

*RULES OF THE  
STATE BOARD OF NURSING*

*ISSUED BY*

*ARIZONA STATE BOARD OF NURSING*

*PHOENIX, ARIZONA*

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## **TITLE 4. PROFESSIONS AND OCCUPATIONS**

### **CHAPTER 19. BOARD OF NURSING**

#### **Supp. 04-1**

(Authority: A.R.S. § 32-1602 et seq.)

#### **ARTICLE 1. DEFINITIONS AND TIME-FRAMES**

*New Article 1, consisting of R4-19-101, adopted effective July 19, 1995 (Supp. 95-3).*

*Article 1, consisting of R4-19-101 through R4-19-102, repealed effective July 19, 1995 (Supp. 95-3).*

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## **ARTICLE 1. DEFINITIONS AND TIME-FRAMES**

### **R4-19-101. Definitions**

In addition to the definitions in A.R.S. § 32-1601, in this Chapter:

“Abuse” means a misuse of power or betrayal of trust, respect, or intimacy by a nurse or nursing assistant that causes or is likely to cause physical, mental, emotional, or financial harm to a client.

“Administer” means the direct application of a medication to the body of a patient by a nurse, whether by injection, inhalation, ingestion, or any other means.

“Administrator” means a nurse educator with the administrative responsibility and authority for the direction of a nursing program.

“Approved national nursing accrediting agency” means an organization recognized by the Department of Education as an accrediting agency for a nursing program.

“Certificate or diploma in practical nursing” means the document awarded to a graduate of an educational program in practical nursing.

“Clinical nurse specialist” means a nurse who, through study and supervised practice at the graduate level, is expert in a selected clinical area of nursing.

“Collaborate” means to establish a relationship for consultation or referral with one or more licensed physicians on an as-needed basis. Direct or onsite supervision of the activities of a registered nurse practitioner by the collaborating physician is not required.

“Contact hour” means 50 minutes of participation in a continuing education activity relating to nursing practice.

“Continuing education activity” means a course of study related to nursing practice that is awarded credit hours or units in nursing or medicine by an accredited organization.

“CNA” means a certified nursing assistant.

“CRNA” means a certified registered nurse anesthetist who provides anesthesia services under A.R.S. § 32-1661.

“DEA” means the federal Drug Enforcement Administration.

“Dispense” means to issue one or more doses of medication in a suitable container for subsequent use by a patient.

“Endorsement” means the procedure for granting an Arizona nursing license to an applicant who is already licensed as a nurse in another state of the United States or foreign country or an Arizona nursing assistant certificate to an applicant who is already listed on a nurse aide register in another state or territory of the United States.

“Full approval” means the status granted in writing by the Board when a nursing program, upon graduation of its first class, demonstrates the ability to provide and maintain a program in accordance with the standards provided by A.R.S. § 32-1601 et seq. and these rules.

“Good standing” means the license of a nurse, either practical or professional, or the certificate of a nursing assistant, is current, and the nurse or nursing assistant is not presently subject to any disciplinary action, consent order, or settlement agreement.

“Initial approval” means the permission, granted in writing by the Board, to an institution to establish a nursing or nursing assistant training program, after the Board determines that the program proposal meets the standards provided by the law and these rules.

“Licensed practical nurse” means a practical nurse licensed under this Chapter.

“NATCEP” means Nurse Aide Training and Competency Evaluation Program.

“NCLEX” means the National Council Licensure Examination.

“Nurse” means a licensed practical or professional nurse.

“Nursing practice” means assisting individuals or groups to maintain or attain optimal health, implementing a strategy of care to accomplish defined health goals, and evaluating responses to care and treatment.

“Nursing process” means applying problem-solving techniques that require technical and scientific knowledge, good judgment, and decision-making skills to assess, plan, implement, and evaluate a plan of care.

“Nursing program” means a formal course of instruction designed to prepare its graduates for licensure as professional or practical nurses.

“Nursing-related activities or duties” means client care tasks for which education is provided by a basic NATCEP.

“Parent institution” means the educational institution in which a nursing program or nursing assistant program is conducted.

“Pharmacology” means the science that deals with the study of drugs.

“Physician” means a person licensed under A.R.S. Title 32, Chapters 7, 8, 11, 13, 14, 17, or 29, or by a state medical board in the United States.

“Prescribe” means to order a medication, medical device, or appliance for use by a patient.

“P & D” means prescribing and dispensing.

“Preceptorship” means a clinical learning experience by which a learner enrolled in a NATCEP, nursing program, or nurse practitioner course of study provides nursing or nurse assistant services while assigned to a health care worker who holds a license or certificate equivalent to or higher than the level of the learner’s program.

“PRN” means as needed.

“Refresher program” means a formal course of instruction designed to provide a review and update of nursing theory and practice to professional or practical nurses preparing to re-enter nursing practice.

“Regionally accredited” means an educational institution is accredited by the New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

“Register” means a listing of Arizona certified nursing assistants maintained by the Board that includes the following about each nursing assistant:

Identifying demographic information;

Date placed on the register;

Date of initial and most recent certification, if applicable; and

Status of the nursing assistant certificate, including findings of abuse, neglect, or misappropriation of property made by the Arizona Department of Health Services, sanctions imposed by the United States Department of Health and Human Services, and disciplinary actions by the Board.

“RNP” means a registered nurse practitioner.

“SBTPE” means the State Board Test Pool Examination.

“Self-study” means a written self-evaluation conducted by a nursing program to assess the compliance of the program with the standards listed in R4-19-201 through R4-19-206.

“School nurse” means a professional nurse who is certified under R4-19-308.

“Supervision” means the direction and periodic consultation provided to an individual to whom a nursing task or patient care activity is delegated.

#### **Historical Note**

Former Glossary of Terms; Amended effective Nov. 17, 1978 (Supp. 78-6). Former Section R4-19-01 repealed, new Section R4-19-01 adopted effective February 20, 1980 (Supp. 80-1). Amended paragraphs (1) and (7), added paragraphs (9) through (25) effective July 16, 1984 (Supp. 84-4). Former Section R4-19-01 renumbered as Section R4-19-101 (Supp. 86-1). Amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 22, 1995 (Supp. 95-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

#### **R4-19-102. Time-frames for Licensure, Certification, or Approval**

##### **A. In this Section:**

1. “Applicant” means a person or entity seeking licensure, certification, approval to prescribe and dispense drugs, or approval of a nursing assistant program, a nursing program, a refresher program, or a nurse practitioner course of study.
2. “Application packet” means a Board-approved application form and the documentation necessary to establish an applicant’s qualifications for licensure, certification, or approval.

##### **B. In computing the time-frames in this Section, the day of the act or event from which the designated period begins to run is not included. The last day of the period is included unless it is a Saturday, Sunday, or official state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or official state holiday.**

##### **C. For each type of licensure, certification, or approval issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frames in**

Table 1. The overall time-frame and the substantive review time-frame described in A.R.S. § 41-1072(3) may not be extended by more than 25% of the overall time-frame.

- D.** For each type of licensure, certification, or approval issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins to run when the Board receives an application packet.
1. If the application packet is not administratively complete, the Board shall send a deficiency notice to the applicant. The time for the applicant to respond to a deficiency notice begins to run on the postmark date of the deficiency notice.
    - a. The deficiency notice shall list each deficiency.
    - b. The applicant shall submit to the Board the information or the documentation listed in the deficiency notice within the period specified in Table 1 for responding to a deficiency notice. The time-frame for the Board to complete the administrative review is suspended until the Board receives the missing information or documentation.
    - c. If the applicant fails to provide the information or the documentation listed in the deficiency notice within the period specified in Table 1, the Board shall consider the application packet withdrawn and shall send the applicant a notice of withdrawal.
  2. If the application packet is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
  3. If the Board issues a license, certificate, or approval during the administrative completeness time-frame, the Board shall not send a separate written notice of administrative completeness.
- E.** For each type of licensure, certification, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins to run on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, an applicant may withdraw an application packet.
  2. The Board may investigate an applicant who discloses prior unprofessional conduct defined in A.R.S. § 32-1601 and may require the applicant to provide additional information or documentation as prescribed in subsection (E)(3) if the Board believes that the conduct is or might be harmful or dangerous to the health of a patient or the public.
  3. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The applicant shall submit the additional information or documentation within the period specified in Table 1. The time-frame for the Board to complete the substantive review of the application packet is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
  4. If the applicant fails to provide the information or documentation identified in the comprehensive written request within the time specified in Table 1, the Board shall consider the application withdrawn and shall send a notice of withdrawal to the applicant.
  5. The Board shall grant licensure, conditional licensure, certification, or approval to an applicant:
    - a. Who meets the substantive criteria for licensure, certification, or approval required by the Board; and
    - b. Whose licensure, certification, or approval is in the best interest of the public.
  6. The Board shall deny licensure, certification, or approval to an applicant:
    - a. Who fails to meet the substantive criteria for licensure, certification or approval required by the Board; or
    - b. Who has engaged in unprofessional conduct as defined in A.R.S. § 32-1601; and
    - c. Whose licensure, certification, or approval is not in the best interest of the public.
  7. The Board's written order of denial shall meet the requirements of A.R.S. § 41-1076. The applicant may request a hearing by filing a written request with the Board within 30 days of receipt of the Board's order of denial. The Board shall conduct hearings in accordance with A.R.S. § 41-1092 et seq., and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-02 renumbered and amended as Section R4-19-102 effective February 21, 1986 (Supp. 86-1). Section repealed effective July 19, 1995 (Supp. 95-3). New Section adopted April 20, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

**Table 1. Time-frames**

<b>Time-frames (in days)</b>								
<b>Type of License, Certificate, or Program Approval</b>	<b>Applicable Section</b>	<b>Overall Time-frame Without Investigation</b>	<b>Overall Time-frame With Investigation</b>	<b>Administrative Completeness Time-frame</b>	<b>Time To Respond to Deficiency Notice</b>	<b>Substantive Review Time-frame Without Investigation</b>	<b>Substantive Review Time-frame With Investigation</b>	<b>Time to Respond to Comprehensive Written Request</b>
Initial Approval of Nursing Programs	R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Full Approval of Nursing Programs	R4-19-208	150	Not applicable	60	180	90	Not applicable	120
Approval of Refresher Programs	R4-19-214	150	Not applicable	60	180	90	Not applicable	120
Licensure by Exam	R4-19-301	150	270	30	270	120	240	150
Licensure by Endorsement	R4-19-302	150	270	30	270	120	240	150
Temporary License	R4-19-303	60	90	30	60	30	60	90
License Renewal	R4-19-304	120	270	30	270	90	240	150
School Nurse Certification	R4-19-308	150	270	30	270	120	240	150
Reinstatement of License	R4-19-404	150	270	30	270	120	240	150
Nurse Practitioner Program Approval	R4-19-503	150	Not applicable	60	270	90	Not applicable	120
Nurse Practitioner Certification	R4-19-504	150	270	30	180	120	240	150
Prescribing and Dispensing Approval	R4-19-507	150	270	30	270	120	240	150
Clinical Nurse Specialist Certification	R4-19-511	150	270	30	270	120	240	150
Prescribing Authority of a Certified Registered Nurse Anesthetist	R4-19-513	150	270	30	270	120	240	150
Approval of Nursing Assistant Training Programs	R4-19-803	120	Not applicable	30	180	90	Not applicable	120
Renewal of Approval of Nursing Assistant Training Programs	R4-19-804	120	Not applicable	30	180	90	Not applicable	120
Nursing Assistant Certification by Examination	R4-19-806	150	270	30	270	120	240	150
Nursing Assistant Certification by Endorsement	R4-19-807	150	270	30	270	120	240	150
Temporary Certificate	R4-19-808	60	Not applicable	30	60	30	Not applicable	60
Nursing Assistant Renewal	R4-19-809	120	270	30	270	90	240	150
Reinstatement or Issuance of a Nursing Assistant Certificate	R4-19-815	150	270	30	270	120	240	150

**Historical Note**

Table 1 adopted effective April 20, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

## **ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS**

### **R4-19-201. Organization and Administration**

- A. The parent institution of a nursing program shall be accredited as a post-secondary institution, college, or university, by an accrediting body that is recognized as an accrediting body by the U.S. Department of Education.
- B. A nursing program shall have a written statement of mission and goals consistent with those of the parent institution and compatible with current concepts in nursing education.
- C. A nursing program shall be an integral part of the parent institution and shall have equivalent status with other academic units of the parent institution.
- D. The parent institution shall center the administrative control of the nursing program in the nursing program administrator.
- E. A nursing program shall provide an organizational chart that identifies the relationships, lines of authority, and channels of communication within the program, and between the program and the parent institution.
- F. A nursing program shall have a written agreement between the program and each clinical agency where clinical experience is provided to the program's students that:
  - 1. Defines the rights and responsibilities of both the clinical agency and the nursing program,
  - 2. Lists the role and authority of the governing bodies of both the clinical agency and the nursing program,
  - 3. Allows faculty members of the program the right to participate in selecting learning experiences for students, and
  - 4. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.
- G. A nursing program shall have written policies that provide a mechanism for student input into the development of academic policies and procedures and participation in the evaluation plan.
- H. The parent institution shall appoint a nursing program administrator who meets the requirements of R4-19-203.
- I. A nursing program shall have a written plan for the systematic evaluation of the total program. The plan shall include the methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following areas shall be evaluated:
  - 1. Internal structure of the program, its relationship to the parent institution, and compatibility of program policies and procedures with those of the parent institution;
  - 2. Mission and goals;
  - 3. Curriculum;
  - 4. Education facilities, resources, and services;
  - 5. Clinical resources;
  - 6. Student achievement of program educational outcomes;
  - 7. Graduate performance on the licensing examination;
  - 8. Faculty performance; and
  - 9. Protection of patient safety.
- J. A nursing program shall notify the Board of a vacancy or pending vacancy in the position of nursing program administrator within 15 days of the program's awareness of the vacancy or pending vacancy and do the following:
  - 1. Appoint an interim administrator or a permanent administrator who meets the requirements of R4-19-203(A) within 15 days of the effective date of the vacancy, and
  - 2. Notify the Board of the appointment of an interim or permanent administrator within 15 days of appointment and provide a copy of the administrator's credentials to the Board.

#### **Historical Note**

Former Section I, Part I; Amended effective January 20, 1975 (Supp. 75-1). Former Section R4-19-11 repealed, new Section R4-19-11 adopted effective February 20, 1980 (Supp. 80-1). Amended effective July 16, 1984 (Supp. 84-4). Former Section R4-19-11 renumbered as Section R4-19-201 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

### **R4-19-202. Resources, Facilities, Services, and Records**

- A. The parent institution of a nursing program shall consider the size of the program faculty and number of program students and shall provide facilities for the program that meet the following requirements:
  - 1. A private office for the administrator of the nursing program;
  - 2. Faculty offices that are conveniently located and comparable to other faculty offices of the parent institution;
  - 3. Space for private faculty-student conferences;
  - 4. Space for clerical staff, records, files, and equipment;
  - 5. Facilities including classrooms, laboratories, and conference rooms available at the time needed, and equivalent in size, number, and type to facilities provided by approved programs of equivalent size, or, in the case of no equivalent program, scaled relative to an approved program;
  - 6. Acoustics, lighting, ventilation, plumbing, heating and cooling, seating arrangements, location, storage, and supplies to simulate patient care equivalent to those provided by approved programs of equivalent size and scope, or in the case of no equivalent program, scaled relative to an approved program;
  - 7. Secretarial and clerical support personnel to assist the administrator and faculty;



8. Access to a collection of educational materials and resources that are current and equivalent to materials and resources provided by an approved program of equivalent size or scope, or, in case of no equivalent program, scaled relative to an approved program.
- B. A nursing program shall maintain current and accurate records of the following:
  1. Student records, including admission materials, courses taken, grades received, scores in any standardized tests taken, and health and performance records;
  2. Faculty records, including Arizona professional nursing license number, evidence of fulfilling the requirements in R4-19-204, and performance evaluations or faculty employed by the parent institution for one or more years;
  3. Minutes of faculty and committee meetings;
  4. Administrative records and reports from accrediting agencies; and
  5. The statement of mission and goals, current curriculum, and course outlines.

#### **Historical Note**

Former Section I, Part II; Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-12 renumbered as Section R4-19-202 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-203. Administrator; Qualifications and Duties**

- A. A nursing program shall appoint an administrator who holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 and:
  1. For professional nursing programs, a graduate degree with a major in nursing; or
  2. For practical nursing programs, a baccalaureate degree with a major in nursing.
- B. The administrator shall have comparable status with other program administrators in the parent institution and shall report directly to an academic officer of the institution.
- C. The administrator shall:
  1. Administer the nursing education program;
  2. Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resources, facilities, services, and program evaluation;
  3. Prepare and administer the budget;
  4. Recommend candidates for faculty appointment, retention, and promotion;
  5. In addition to any other evaluation used by the parent institution, ensure that faculty are evaluated:
    - a. At least every three years,
    - b. By the nurse administrator or a nurse educator designated by the nurse administrator, and
    - c. In the areas of teaching ability and nursing knowledge and skills.
  6. Maintain, enforce, and evaluate written policies and procedures that require all students, faculty, and preceptors who participate in clinical practice settings to be physically and mentally able to provide safe client care; and
  7. Participate in activities that contribute to the governance of the parent institution.
- D. The administrator of the nursing program shall not teach more than 45 contact hours per academic session.

#### **Historical Note**

Former Section I, Part III; Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-13 renumbered as Section R4-19-203 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-204. Faculty; Personnel Policies; Qualifications and Duties**

- A. A nursing program shall implement personnel policies for didactic and clinical nursing faculty members that conform to those for other faculty members of the parent institution or provide a written explanation of any differences.
- B. A nursing program shall provide the number of qualified faculty members comparable to that provided by approved programs of equivalent size and program type, or, in the case of no equivalent program, a number scaled relative to an approved program.
- C. The parent institution of a nursing program shall ensure that the ratio of students to nursing faculty while involved in the care of patients is not more than ten to one.
- D. The faculty shall supervise all students in clinical areas in accordance with the acuity of the patient population, clinical objectives, demonstrated competencies of the student, geographic placement of the student, and requirements established by the clinical agency.
- E. The parent institution of a nursing program shall ensure that every professional nursing program faculty member holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 and that every faculty member meets one of the following:
  1. If providing didactic instruction:
    - a. At least two years of experience as a professional nurse providing direct patient care; and

- b. A graduate degree. The majority of the faculty members of a professional nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing; or
  - 2. If providing clinical instruction, as defined in R4-19-206, only:
    - a. The requirements for didactic faculty, or
    - b. A baccalaureate degree with a major in nursing and at least three years of experience as a professional nurse providing direct patient care.
- F. The parent institution of a nursing program shall ensure that each practical nursing program faculty member has:
  - 1. A minimum of a baccalaureate degree with a major in nursing,
  - 2. A professional nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15, and
  - 3. At least two years of experience as a professional nurse providing direct patient care.
- G. The nursing faculty, together with the program administrator, shall:
  - 1. Develop, implement, and evaluate the program of learning; and
  - 2. Develop and implement standards for the admission, progression, and graduation of students.

#### **Historical Note**

Former Section I, Part IV; Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-14 renumbered as Section R4-19-204 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-205. Students; Policies and Admissions**

- A. A nursing program shall have written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, and dismissal.
- B. A nursing program shall have written policies available to students that address student rights, responsibilities, grievances, health, and safety.
- C. A nursing program shall provide accurate and complete information to all students and prospective students about the program including, but not limited to:
  - 1. The nature of the program, including course sequence, prerequisites, co-requisites and academic standards;
  - 2. The length of the program;
  - 3. The current cost of the program;
  - 4. The transferability of credits to other public and private educational institutions in Arizona; and
  - 5. Program teaching methods and supporting technology.

#### **Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-15 repealed, new Section R4-19-15 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-15 renumbered as Section R4-19-205 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-206. Curriculum**

- A. For the purposes of this Section, "clinical instruction" means the guidance and supervision provided by a qualified faculty member or designee while a nursing student is providing patient care.
- B. A nursing program shall develop and implement a curriculum that includes level objectives, course objectives, measurable learning outcomes for each class session, and course content outlines for each course that:
  - 1. Reflect its mission and goals;
  - 2. Are logically consistent between and within courses;
  - 3. Are designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the definition and scope of practice specified in A.R.S. § 32-1601(12) and R4-19-401 for a practical nurse or A.R.S. § 32-1601(13) and R4-19-402 for a professional nurse.
- C. A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program.
  - 1. A registered nursing (RN) program shall provide clinical instruction that includes, at a minimum, selected and guided experiences that develop a student's ability to apply core principles of nursing in varied settings when caring for:
    - a. Adult and geriatric patients with acute, chronic, and complex, life-threatening, medical and surgical conditions;
    - b. Patients experiencing pregnancy and delivery;
    - c. Neonates, infants, and children;
    - d. Patients with mental, psychological, or psychiatric conditions; and
    - e. Patients with wellness needs.
  - 2. A practical nursing program (PN) shall provide clinical instruction that includes, at minimum, selected and guided experiences that develop an understanding of physiological, psychological, pathological, and basic nursing care needs when caring for:
    - a. Patients with medical and surgical conditions throughout the life span,

- b. Patients experiencing pregnancy and delivery, and
  - c. Neonates, infants, and children in varied settings.
- D. A nursing program shall maintain at least a 75% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 75% for two consecutive calendar years.

#### **Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-16 repealed, former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-16 renumbered as R4-19-206 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-207. Application for Provisional Approval of a Nursing Program**

- A. Before establishing a nursing program, a parent institution shall submit 20 copies of an application for proposal approval to the Board that includes the following information and documentation:
  - 1. Name and address of the parent institution;
  - 2. Statement of intent to establish a nursing program, including the academic and licensure level of the program; and
  - 3. Proposal that includes, but is not limited to, the following information:
    - a. Documentation of the present and future need for the program in the state including availability of potential students and need for entry level nurses;
    - b. Potential effect on existing nursing programs in a 50-mile radius of the proposed program;
    - c. Organizational structure of the educational institution documenting the relationship of the nursing program within the institution;
    - d. Accreditation status of the parent institution;
    - e. Purpose, mission, and goals of the nursing program;
    - f. Availability of qualified administrator and faculty;
    - g. Number of budgeted faculty positions;
    - h. Source and description of clinical resources for the program;
    - i. Anticipated student population;
    - j. Documentation of adequate academic facilities and staff to support the nursing program;
    - k. Evidence of financial resources adequate for the planning, implementation, and continuation of the nursing program; and
    - l. Tentative time schedule for planning and initiating the nursing program and the intended date for entry of the first class into the program.
- B. The Board shall grant proposal approval to any parent institution that demonstrates:
  - 1. The need for a program,
  - 2. The resources to operate a program,
  - 3. The availability of students,
  - 4. The availability and resources to secure a qualified administrator and faculty, and
  - 5. Satisfaction of the accreditation requirements in R4-19-201(A).
- C. A parent institution that is denied proposal approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for proposal approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- D. A parent institution that receives proposal approval may submit 20 copies of an application to the Board for provisional approval that includes the following information and documentation:
  - 1. Name and address of parent institution; and
  - 2. Plan for compliance with R4-19-201 through R4-19-206, including but not limited to the following:
    - a. Name and qualifications of appointed administrator;
    - b. Names and qualifications of nursing faculty for the first semester or session of operation at least 60 days before classes begin;
    - c. Final program implementation plan;
    - d. Curriculum, including course outlines, program objectives, and learning outcomes;
    - e. Descriptions of available and proposed physical facilities with dates of availability; and
    - f. List of available clinical facilities within the geographic area, including facility type, size, number of beds, and type of patients.
- E. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant provisional approval to a parent institution that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A parent institution that is denied provisional approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- F. The provisional approval of a nursing program expires 12 months from the date of the grant of provisional approval if a class of nursing students is not admitted by the nursing program within that time. The Board may rescind the provisional approval of a nursing program for a violation of any provision of this Article according to R4-19-211.

- G. If a nursing program fails to apply for full approval within two years of graduating its first class of students, the Board shall rescind its provisional approval. A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-17 renumbered as R4-19-207 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

**R4-19-208. Application for Full Approval of a Nursing Program**

- A. A nursing program seeking full approval shall submit an application that includes the following information and documentation:
1. Name and address of the parent institution,
  2. Date the nursing program graduated its first class of students, and
  3. Twenty copies of a self-study report that contains evidence the program is in compliance with R4-19-201 through R4-19-206.
- B. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant full approval for a maximum of five years or the accreditation period for nationally accredited programs governed by R4-19-212, to a nursing program that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A nursing program that is denied full approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- C. A nursing program shall apply for full approval within a two-year period after graduating its first class or its provisional approval may be rescinded by the Board following notice and an opportunity for hearing.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

**R4-19-209. Nursing Program Change**

- A. A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
1. Changing the mission or goals,
  2. Increasing or decreasing the length of the program,
  3. Adding or deleting a geographical location of the program,
  4. Increasing the student enrollment capacity by more than 20%,
  5. Changing the level of educational preparation provided, or
  6. Transferring the nursing program from one institution to another.
- B. The administrator shall submit 20 copies of the following materials with the request for nursing program changes:
1. The rationale for the proposed change and the anticipated effect on the program administrator, faculty, students, resources, and facilities;
  2. A summary of the differences between the current practice and proposed change;
  3. A timetable for implementation of the change; and
  4. The methods of evaluation to be used to determine the effect of the change.
- C. The Board shall approve a request for a nursing program change if the program demonstrates that it has the resources to implement the change and the change is consistent with R4-19-201 through R4-19-206. A nursing program that is denied approval of program changes may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

**R4-19-210. Renewal of Approval of Board-approved Nursing Programs**

- A. An approved nursing program that is not accredited by an approved national nursing accrediting agency shall submit an application packet to the Board at least four months before the expiration of the current approval that includes the following:
1. Name and address of the parent institution,
  2. Current regional accreditation status,
  3. Copy of the current catalog of the parent institution,
  4. Copy of current nursing program policies, and
  5. Twenty copies of a self-study report that contains evidence of compliance with R4-19-201 through R4-19-206.

- B. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall renew program approval for a maximum of five years if the nursing program meets the criteria in R4-19-201 through R4-19-206 and if renewal is in the best interest of the public. The Board shall determine the term of approval that is in the best interest of the public.
- C. If the Board denies renewal of approval, the nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-211. Rescission of Approval**

- A. The Board shall, upon determining that a nursing program or a refresher program is not in compliance with R4-19-201 through R4-19-214, provide to the administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. The time for correction may not exceed 18 months.
  - 1. The administrator shall, within 30 days from the date of service of the notice of deficiencies, file a plan to correct each of the identified deficiencies after consultation with the Board or designated Board representative.
  - 2. The administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  - 3. If the Board's determination is not appealed or is upheld upon appeal, the Board shall conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies have been corrected.
- B. The Board shall, following a Board-conducted survey and report, rescind the approval of, or restrict admissions to a nursing program or refresher program if the program fails to comply with R4-19-201 through R4-19-214 within the time set by the Board in the notice of deficiencies served upon the program.
  - 1. The Board shall serve the administrator with a written notice of proposed rescission of approval or restriction of admissions that states the grounds for the proposed action. The administrator shall have 30 days to submit a written request for a hearing to show cause why the proposed action should not occur. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  - 2. Upon the effective date of a decision to rescind program approval, the nursing program shall immediately cease operation and be removed from the official approved-status listing. A nursing program that has been ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.
- C. In addition to the cause in subsection (B), if the Board determines that the effectiveness of instruction to students is impaired, the Board may rescind approval of or restrict admissions to a nursing program for any of the following causes:
  - 1. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in R4-19-201 through R4-19-214; or
  - 2. Failure to comply with orders of or stipulations with the Board within the time determined by the Board.

#### **Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-212. Nationally Accredited Nursing Programs**

- A. An approved nursing program that is accredited by an approved national nursing accrediting agency shall submit to the Board evidence of initial accreditation and shall submit evidence of continuing accreditation after each reaccreditation review.
- B. The administrator shall submit to the Board any report from a national accrediting agency citing deficiencies or recommendations at the time the report is received by the nursing program.
- C. The administrator of a nursing program shall notify the Board within 10 days of any change in accreditation status.
- D. The administrator of a nursing program that loses its accreditation status or allows its accreditation status to lapse shall file an application for renewal of approval under R4-19-210 within 30 days of loss of or lapse in accreditation status.
- E. Unless otherwise notified by the Board following receipt and review of the documents required by subsections (A) and (B), a nursing program continues to have full-approval status. The administrator of a nursing program that has its continuing approval-status rescinded by the Board may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding continuing full-approval status. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

#### **R4-19-213. Voluntary Termination of a Nursing Program or a Refresher Program**

- A. The administrator of a nursing program or a refresher program shall notify the Board within 15 days of a decision to voluntarily terminate the program. The administrator shall, at the same time, submit a written plan for terminating the nursing program or refresher program.

- B. The administrator shall ensure that the nursing program or refresher program is maintained, including the nursing faculty, until the last student is transferred or completes the program.
- C. Within 15 days after the termination of a nursing program or refresher program, the administrator shall notify the Board of the permanent location and availability of all program records.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-214. Approval of a Refresher Program**

- A. An applicant for approval of a refresher program for nurses whose licenses have been inactive or expired for five or more years, nurses under Board order to enroll in a refresher program, or nurses who have not met the requirements of R4-19-312 shall submit a completed application that provides all of the following information and documentation:
  - 1. Applicant's name, address, e-mail address, telephone number, and fax number;
  - 2. Proposed starting date for the program;
  - 3. Name and curriculum vitae of all instructors;
  - 4. Statement describing the facilities, staff, and resources that the applicant will use to conduct the refresher program;
  - 5. A program and participant evaluation plan that includes student evaluation of the course, instructor, and clinical experience; and
  - 6. Evidence of a curriculum that meets the requirements of subsection (B).
- B. A refresher program shall provide:
  - 1. A minimum of 40 hours of didactic instruction and 112 hours of supervised clinical practice for a licensed practical nurse program;
  - 2. A minimum of 80 hours of didactic instruction and 160 hours of supervised clinical practice for a professional nurse program;
  - 3. A planned and supervised clinical experience that is consistent with course goals and provides an opportunity for the student to demonstrate safe and competent application of program content. The student may spend up to 24 of the required clinical hours in a supervised lab setting;
  - 4. Curriculum materials, including:
    - a. An overall program description including goals; and
    - b. Objectives, content, and hours allotted for each area of instruction;
  - 5. Instruction in current nursing care concepts and skills including:
    - a. Nursing process;
    - b. Pharmacology, medication calculation, and medication administration;
    - c. Communication;
    - d. Critical thinking and clinical decision making;
    - e. Delegation, management, and leadership; and
    - f. Meeting psychosocial and physiological needs of clients.
- C. A refresher program may adapt the curriculum based on the need to incorporate content applicable to specialty and indirect care areas of nursing practice for students who plan to practice in those areas. The clinical experience for such students may include indirect care, depending on the course goals and objectives. The program shall include concepts and skills needed to deliver safe nursing care in any adapted curriculum.
- D. The Board shall approve a refresher program that meets the requirements of subsection (A), if approval is in the best interest of the public, for a term of four years. An applicant who is denied refresher program approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- E. The refresher program sponsor shall apply for renewal of approval in accordance with subsection (A) not later than 90 days before expiration of the current approval. The sponsor of a refresher program that is denied renewal of approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- F. The sponsor of an approved refresher program shall provide written notification to the Board within 15 days of a participant's completion of the program of the following:
  - 1. Name of the participant and whether the participant successfully completed or failed the program,
  - 2. Participant's license, and
  - 3. Date of participant's completion of the program.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4). Amended by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (05-1).

**R4-19-215. Distance Learning Nursing Programs; Out-of-State Nursing Programs**

- A. An out-of-state nursing program that plans to provide both didactic and clinical instruction in Arizona shall comply with the application requirements of R4-19-207 and R4-19-208.
- B. A nursing program that delivers didactic instruction by distance learning methods shall ensure that the methods of instruction are compatible with the program curriculum plan and enable a student to meet the goals, competencies, and objectives of the educational program and standards of the Board.
  - 1. A distance learning nursing program shall establish a means for assessing individual student outcomes, and program outcomes including, at minimum, student learning outcomes, student retention, student satisfaction, and faculty satisfaction.
  - 2. For out-of-state nursing programs, the program shall be within the jurisdiction of and regulated by an equivalent nursing regulatory authority in the state from which the program originates, unless also providing clinical experience in Arizona.
  - 3. Faculty shall be licensed in the state of origination of a distance learning nursing program.
  - 4. A distance learning nursing program shall provide students with supervised clinical and laboratory experiences so that program objectives are met and didactic learning is validated by supervised, land-based clinical and laboratory experiences.
  - 5. A distance-learning nursing program shall provide students with access to technology, resources, technical support, and the ability to interact with peers, preceptors, and faculty.
- C. A nursing program, located in another state or territory of the United States, that wishes to provide clinical experiences in Arizona under A.R.S. § 32-1631(3), shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal package that contains:
  - 1. A self study, describing the program's compliance with R4-19-201 through R4-19-206; and
  - 2. A statement regarding the anticipated effect on clinical placements for students currently enrolled in an Arizona-approved nursing program.
- D. The Board may require a nursing program approved under this Section to file periodic reports for the purpose of data collection or to determine compliance with the provisions of this Article. A program shall submit a report to the Board within 30 days of the date on a written request from the Board or by the due date stated in the request if the due date is after the normal 30-day period.
- E. The Board shall approve an application to conduct clinical instruction in Arizona that meets the requirements in A.R.S. Title 32, Chapter 15 and this Chapter, and is in the best interest of the public. An applicant who is denied approval to conduct clinical instruction in Arizona may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- F. The Board may rescind an approval held by an out-of-state nursing program to conduct clinical instruction in Arizona, in accordance with R4-19-211.
- G. If the Board finds that a nursing program located and approved in another state or territory of the United States does not meet requirements for nursing programs prescribed in R4-19-201 through R4-19-206, the Board shall provide a notice of deficiency to the program as prescribed in R4-19-211(A), (A)(1) and (A)(2).
  - 1. If the program fails to correct the deficiency before the expiration of the period of correction, the Board shall rescind approval of the program as prescribed in R4-19-211(B)(1).
  - 2. If the period of rescission, from the date of rescission to the date of reinstatement, is at any time concurrent with an applicant's education from the date of admission to the date of graduation, the Board shall withhold licensure unless the applicant meets all licensure requirements and completes any remedial education prescribed by the Board under R4-19-301(H). The Board shall ensure that the applicant has completed a curriculum that is equivalent to that of an approved nursing program.
  - 3. If a nursing program provides evidence of compliance with R4-19-201 through R4-19-206 after the rescission of approval, the Board shall review the evidence, determine whether or not the nursing program complies with these standards, and reinstate approval of the program if the program complies with these standards.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 451, effective March 7, 2005 (Supp. 05-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

**ARTICLE 3. LICENSURE****R4-19-301. Licensure by Examination**

- A. An applicant for licensure by examination shall:
  - 1. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full name and any former names used by the applicant;
    - b. Mailing address, including primary state of residence, and telephone number;
    - c. Place and date of birth;
    - d. Ethnic category and marital status, at the applicant's discretion;
    - e. Social Security number for an applicant who lives or works in the United States;
    - f. Post-secondary education, including the names and locations of schools attended, graduation dates, and degrees received, if applicable;

- g. Current employer or practice setting, including address, telephone number, position, and dates of service, if employed or practicing in nursing or health care, and previous employer or practice setting in nursing or health care, if any, if current employment is less than 960 hours within the past five years;
  - h. Any state, territory, or country in which the applicant holds a registered or practical nursing license and the license number and status of the license, including original state of licensure, if applicable;
  - i. The date the applicant previously filed an application for licensure in Arizona, if applicable or known;
  - j. Responses to questions regarding the applicant's background on the following subjects:
    - i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation of the applicant's nursing license in another state or territory of the United States,
    - ii. Felony conviction or conviction of an undesignated or other similar offense, and
    - iii. Unprofessional conduct as defined in A.R.S. § 32-1601;
  - k. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
1. Certification in nursing including category, specialty, name of certifying body, date of certification, and expiration date.
  2. Submit a completed fingerprint card for the purpose of obtaining a criminal history report under A.R.S. § 32-1606 if the applicant has not submitted a fingerprint card to the Board within the last two years; and
  3. Pay the applicable fees.
- B. If an applicant took the State Board Test Pool Examination (SBTPE), National Council Licensure Examination (NCLEX®) RN, or NCLEX-PN in any state or territory of the United States or in Canada, the applicant shall indicate on the application:
1. The date of the examination,
  2. The location of the examination, and
  3. The result of the examination.
- C. If an applicant is a graduate of a nursing program in the United States that has been assigned a program code by the National Council of State Boards of Nursing, the applicant shall submit one of the following:
1. If the program is an Arizona-approved program, a statement signed by a nursing program administrator or designee verifying that:
    - a. The applicant graduated from a registered nursing program for a registered nurse applicant; or
    - b. The applicant completed a practical nursing program or graduated from a registered nursing program for a practical nurse applicant; or
  2. If the program is located in another state or territory and meets educational standards that are substantially comparable to Board standards for educational programs under R4-19-201 to R4-19-206 when the applicant completed the program, an official transcript sent directly from one of the following as:
    - a. Evidence of graduation from a diploma registered nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a registered nurse applicant.
    - b. Evidence of completion of a practical nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a practical nurse applicant.
- D. If an applicant is a graduate of a foreign nursing program and lacks items required in subsection (C), the applicant shall comply with subsections (A) and (B), submit verification of the status of any nursing licenses held, and submit the following:
1. To demonstrate nursing program equivalency, one of the following:
    - a. Evidence of a passing score on the English language version of either the Canadian Nurses' Association Testing Service, or the Canadian Registered Nurse Examination or an equivalent examination;
    - b. A Certificate or Visa Screen Certificate issued by the Commission on Graduates of Foreign Nursing Schools (CGFNS), or a report from CGFNS that indicates an applicant's program is substantially comparable to a U.S. program; or
    - c. A report from another credential evaluation service (CES) that is accepted by the Board. The Board shall accept reports from a CES if acceptance is in the best interest of the public and the CES submits the information required by the Board under R4-19-303.
  2. If an applicant's pre-licensure nursing program provided classroom instruction, textbooks, or clinical experiences in a language other than English, a test of written, oral, and spoken English is required. Clinical experiences are held in a foreign language if the principal language of the country or region where the nursing program was held is a language other than English. An applicant shall ensure that one of the following is submitted to the Board directly from the testing or certifying agency:
    - a. Evidence of a minimum score of 540 on the paper and pencil version or 207 on the computer-based version of the Test of English as a Foreign Language (TOEFL) and a minimum score of 50 on the Test of Spoken English (TSE) or a minimum score of 76 on the Internet-based TOEFL,
    - b. Evidence of a minimum score of 6.5 on the Academic Exam and 7.0 on the spoken exam of the International English Language Test Service (IELTS) Examination,
    - c. Evidence of a minimum score of 725 on the Test of English in International Communication (TOEIC) exam and 50 on the TSE,
    - d. A Visa Screen Certificate from CGFNS,
    - e. A CGFNS Certificate and a score of 50 on the TSE if the applicant did not take the Internet-based TOEFL or IELTS to meet certification requirements,
    - f. Evidence of a similar minimum score on another written and spoken English proficiency exam determined by the Board to be equivalent to the other exams in this subsection, or



- g. Evidence of employment for a minimum of 960 hours within the past five years as a nurse in another country or territory where the principal language is English.
- E. An applicant for a registered nurse license shall attain:
  - 1. A passing score on the NCLEX-RN;
  - 2. A score of 1600 on the NCLEX-RN, if the examination was taken before July 1988; or
  - 3. A score of not less than 350 on each part of the SBTPE for registered nurses.
- F. An applicant for a practical nurse license shall attain:
  - 1. A passing score on the NCLEX-PN;
  - 2. A score of not less than 350 on the NCLEX-PN, if the examination was taken before October 1988; or
  - 3. A score of not less than 350 on the SBTPE for practical nurses.
- G. The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by examination may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.
- H. If the Board receives an application from a graduate of a nursing program and the program's approval was rescinded under R4-19-211 at any time during the applicant's nursing education, the Board shall withdraw the application or ensure that the applicant has completed a basic curriculum that is equivalent to that of a Board-approved nursing program and either:
  - 1. Grant licensure, if the program's approval was reinstated during the applicant's period of enrollment and the program provides evidence that the applicant completed a curriculum equivalent to that of a Board-approved nursing program; or
  - 2. By order, require successful completion of remedial education which may include clinical experiences, before granting licensure. The applicant shall obtain any required education while enrolled in a Board-approved nursing program.

#### **Historical Note**

Former Section II, Part I; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5).

Former Section R4-19-24 repealed, new Section R4-19-24 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-24 repealed, new Section R4-19-24 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-24 renumbered as Section R4-19-301 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

#### **R4-19-302. Licensure by Endorsement**

- A. An applicant for a license by endorsement shall submit all of the information required in R4-19-301(A).
- B. In addition to the information required in subsection (A), an applicant for a license by endorsement shall:
  - 1. Submit evidence of a passing examination score in accordance with:
    - a. R4-19-301(E) for a registered nurse applicant, or
    - b. R4-19-301(F) for a practical nurse applicant.
  - 2. Submit evidence of the following:
    - a. Previous or current license in another state or territory of the United States, and
    - b. One of the following:
      - i. Completion of a nursing program that has been assigned a nursing program code by the National Council of State Boards of Nursing (NCSBN) at the time of program completion and the program meets educational standards substantially comparable to Board standards for educational programs in R4-19-201 to R4-19-206;
      - ii. If the applicant completed a nursing program that has been assigned a program code by the NCSBN but the program's approval was rescinded under A.R.S. § 32-1644(D) or R4-19-215 during the applicant's enrollment in the program, proof of completion of the program plus any remedial education required by the Board to mitigate the deficiencies in the applicant's initial nursing program;
      - iii. Completion of a nursing program that met the qualifications for a program code at the time of the applicant's graduation if before 1986 and the applicant was issued an initial license in another state or territory of the United States without being required to obtain additional education or experience; or
      - iv. For a graduate of a foreign nursing program, completion of a nursing program that meets the requirements in R4-19-301(D)(1). In addition, an applicant who graduated from a foreign nursing program shall satisfy the English proficiency requirements in R4-19-301(D)(2) if the applicant has not practiced nursing for a minimum of 960 hours within the past five years in another state, territory, or country where English is the primary language.
- C. The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by endorsement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### **Historical Note**

Former Section II, Part II; Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-25 renumbered and amended as Section R4-19-302

effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

**R4-19-303. Requirements for Credential Evaluation Service**

- A.** A credential evaluation service that seeks to be accepted by the Board shall submit documentation to the Board for initial acceptance and every three years that it:
1. Provides a credential evaluation to determine comparability of registered nurse or practical nurse programs in other countries to nursing education in the United States;
  2. Evaluates original source documents;
  3. Has five or more years of experience in evaluating nursing educational programs or employs personnel that have this experience;
  4. Employs staff with expertise in evaluating nursing programs;
  5. Has access to resources pertinent to the field of nursing education and the evaluation of nursing programs;
  6. Issues a report on each applicant, and supplies the Board with a sample report, regarding the comparability of the applicant's nursing educational program to nursing education in the United States that includes:
    - a. The name of the applicant including any former names,
    - b. Source and description of the documents evaluated,
    - c. Name and nature of the institution,
    - d. Dates applicant attended,
    - e. References consulted,
    - f. A seal or some other security measure, and
    - g. Notification of any falsification or misrepresentation of documents by the applicant;
  7. Has a quality control program that includes at a minimum:
    - a. Standards regarding the use of original documents,
    - b. Verifying authenticity of documents and translations,
    - c. Security of documents,
    - d. Confidentiality of records,
    - e. Responsiveness to applicants that include the criterion that reports are issued no later than eight weeks from the receipt of an applicant's documents; and
    - f. Tracking and notification of the Board of any trends in falsification or misrepresentation of documents;
  8. Follows the standards of the National Association of Credentialing Services (NACES) or an equivalent organization regarding staffing and resources;
  9. Will allow the Board to conduct a site survey at any time deemed necessary by the Board; and
  10. Agrees to notify the Board before any changes in any of the above criteria.
- B.** Depending on the severity of the violation, the Board may revoke the approval of a credential evaluation service that fails to comply with the criteria established in this Section.
- C.** The Board shall approve a credential evaluation service that meets the criteria established in this Section. An applicant who is denied approval or whose approval is revoked may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part III; Former Section R4-19-26 repealed, new Section R4-19-26 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-26 renumbered and amended as Section R4-19-27, new Section R4-19-26 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-27 renumbered as Section R4-19-303 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1802, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-303 renumbered to R4-19-304; new Section R4-19-303 made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-304. Temporary License**

- A.** Subject to subsection (B), the Board shall issue a temporary license if:
1. An applicant:
    - a. Is qualified under:
      - i. A.R.S. § 32-1635 and applies for a temporary registered nursing license, or is qualified under A.R.S. § 32-1640 and applies for a temporary practical nursing license; and
      - ii. R4-19-301 for applicants for licensure by examination, or is qualified under R4-19-302 for applicants for licensure by endorsement; and
    - b. Submits an application for a temporary license with the applicable fee required under A.R.S. § 32-1643(A)(9); and
    - c. Submits an application for a license by endorsement or examination with the applicable fee required under A.R.S. § 32-1643(A).
  2. An applicant is seeking a license by examination, meets the requirements of R4-19-312(C), and the Board receives a report from the Arizona Department of Public Safety (DPS), verifying that DPS has no criminal history record information, as defined in A.R.S. § 41-1701, relating to the applicant or that any criminal history reported has been reviewed by the executive director or

- the director's designee and determined not to pose a threat to public health, safety, or welfare; or
- 3. An applicant is seeking a license by endorsement, meets the requirements in R4-19-312(B), and the applicant submits evidence that the applicant has a current license in good standing in another state or territory of the United States; or
- 4. An applicant has an expired, inactive, or lapsed license for five or more years, or does not meet the requirements in R4-19-312(B) or (C), but provides evidence that the applicant has applied for enrollment in a refresher program.
- B.** An applicant who has a criminal history, a history of disciplinary action by a regulatory agency, or a pending complaint before the Board is not eligible for a temporary license or extension of a temporary license without Board approval.
- C.** A temporary license is valid for a maximum of 12 months unless extended for good cause under subsection (D).
- D.** An applicant with a temporary license may apply for and the Board or the Executive Director may grant an extension of the temporary license period for good cause. Good cause means reasons beyond the control of the temporary licensee, such as unavoidable delays in obtaining information required for licensure.
- E.** An applicant who receives a temporary license but does not meet the criteria for a regular license within the established period under subsections (C) and (D) is no longer eligible for a temporary license.

#### **Historical Note**

Former Section II, Part IV; Amended effective January 20, 1975 (Supp. 75-1). Former Section R4-19-27 repealed, new Section R4-19-27 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-27 renumbered and amended as Section R4-19-28. Former Section R4-19-26 renumbered and amended as Section R4-19-27 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-27 renumbered and amended as Section R4-19-304 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-304 renumbered to R4-19-305; new Section R4-19-304 renumbered from R4-19-303 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### **R4-19-305. License Renewal**

- A.** An applicant for renewal of a registered or practical nursing license shall:
  - 1. Submit to the Board a verified application obtained from the Board that provides all of the following information about the applicant:
    - a. Full name, mailing address, and primary state of residence;
    - b. A listing of all states in which the applicant is currently licensed;
    - c. Marital status, at the applicant's discretion;
    - d. Information regarding qualifications, including:
      - i. Educational background;
      - ii. Employment status; and
      - iii. Practice setting;
    - e. Responses to questions regarding the applicant's background on the following subjects:
      - i. Criminal convictions for offenses involving drugs or alcohol since the time of last renewal;
      - ii. Felony convictions or convictions for undesignated or other similar offenses since the time of last renewal; and
      - iii. Unprofessional conduct as defined in A.R.S. § 32-1601 since the time of last renewal;
    - f. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
    - g. Information about the applicant's current or most recent nursing practice under R4-19-312, including position, address, telephone number, and dates of practice. If the period of practice in the current position is less than 960 hours within the last five years, the nurse shall provide, if available, documentation of 960 hours of practice in the last five years; and
    - h. Certification in nursing including category, specialty, name of certifying body, date of certification, and expiration date;
  - 2. Pay fees for renewal authorized by A.R.S. § 32-1643(6); and
  - 3. Pay an additional fee for late renewal authorized by A.R.S. § 32-1643(7) if the application for renewal is submitted after August 1 of the year of renewal.
- B.** A license renewed after July 1, 2000 expires November 2 of the year of renewal indicated on the license.
- C.** A licensee who fails to submit a renewal application before expiration of a license shall not practice nursing until the Board issues a renewal license.
- D.** The Board shall renew the license of any registered or practical nurse applicant who meets the criteria established in statute and this Article. An applicant who is denied renewal of a license may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### **Historical Note**

Former Section II, Part V; Repealed effective January 20, 1975 (Supp. 75-1). New Section R4-19-28 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-28 renumbered and amended as Section R4-19-29. Former Section R4-19-27 renumbered and amended as Section R4-19-28 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and repealed as Section R4-19-305 effective February 21, 1986 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-305 renumbered to R4-19-306; new Section R4-19-305 renumbered from R4-19-304 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-306. Inactive License**

- A. A licensee in good standing may submit a written request to the Board to transfer to inactive status, or request a transfer to inactive status on a verified renewal application.
- B. The Board shall send a written notice to the licensee granting inactive status in writing or denying the request. A licensee denied a request for transfer to inactive status may request a hearing by filing a written request with the Board within 30 days of service of the denial of the request. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part VI; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-29 repealed, new Section R4-19-29 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-29 renumbered and amended as Section R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and amended as Section R4-19-29 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered as Section R4-19-306 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-306 renumbered to R4-19-307; new Section R4-19-306 renumbered from R4-19-305 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-307. Application for a Duplicate License**

- A. A licensee shall report a lost or stolen license to the Board, in writing, within 30 days of the loss.
- B. A licensee requesting a duplicate license shall file an application for a duplicate license and pay the applicable fee under A.R.S. § 32-1643(14).

**Historical Note**

Former Section II, Part VII; Former Section R4-19-30 renumbered and amended as Section R4-19-45, new Section R4-19-30 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-30 renumbered and amended as Section R4-19-31. Former Section R4-19-29 renumbered and amended as R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered and amended as Section R4-19-307 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-307 renumbered to R4-19-308; new Section R4-19-307 renumbered from R4-19-306 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-308. Change of Name or Address**

- A. A licensee or applicant shall notify the Board, in writing, of any legal change in name within 30 days of the change, and submit a copy of the official document verifying the name change.
- B. A licensee or applicant shall notify the Board of any change in mailing address within 30 days.

**Historical Note**

Former Section II, Part VII; Former Section R4-19-31 repealed, new Section R4-19-31 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32. Former Section R4-19-30 renumbered and amended as Section R4-19-31 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-31 renumbered as Section R4-19-308 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-308 renumbered to R4-19-309; new Section R4-19-308 renumbered from R4-19-307 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-309. School Nurse Certification Requirements**

- A. Application requirements. An applicant for initial school nurse certification shall:
  - 1. Hold a current license in good standing or multistate privilege to practice as a registered nurse in Arizona;
  - 2. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full name and any former names used by the applicant;
    - b. Mailing address and telephone number;
    - c. Registered nurse license number;
    - d. Social security number;
    - e. A description of the applicant's educational background, including the number and location of schools attended, the number of years attended, the date of graduation, the type of degree or certificate awarded, and if applicable, a statement that the applicant has satisfied the educational requirements specified in subsection (C), (D), or (E);
    - f. Current employer, including address, telephone number, position type, dates of employment, and previous employer if the current employment is less than 12 months;
    - g. The name of any national certifying organization, specialty area, certification number and date of certification, if applicable;
    - h. Responses to questions regarding the applicant's background on the following subjects:
      - i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation in another state or territory of the United States;
      - ii. Felony conviction or conviction of an undesignated or other similar offense; and

- iii. Unprofessional conduct as defined in A.R.S. § 32-1601; and
  - i. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
- 3. Pay applicable fees.
- B. Initial-level certification.**
  - 1. Only applicants who have never been certified by the Board or the Department of Education are eligible for certification at the initial level. The Board does not require additional education, exceeding that required for licensure as a registered nurse for initial-level certification.
  - 2. Initial-level certification expires three years after the issue date on the certificate.
- C. First-level certification.**
  - 1. If the initial-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has never renewed, the nurse shall apply for first-level certification. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of completion of all the following:
    - a. Three semester hours in school nurse practice course work,
    - b. Three semester hours in physical assessment of the school-aged child course work, and
    - c. Three semester hours in nursing care of the child with developmental disabilities.
  - 2. A first-level certificate expires three years after the issue date on the certificate.
- D. Second-level certification.**
  - 1. If the first-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has renewed once, the nurse shall apply for second-level certification. In addition to the requirements in subsection A, the registered nurse applicant shall provide evidence of completion of the following:
    - a. A bachelor of science degree in nursing, or
    - b. Completion of the following educational requirements:
      - i. Three semester hours in community health nursing theory or population-based care;
      - ii. Three semester hours in management theory; and
      - iii. Either three semester hours of upper division or graduate credit in nursing or health-related subjects from a regionally-accredited institution, as defined in R4-19-101, or 45 contact hours of continuing education related to nursing practice.
  - 2. A second-level certificate expires six years after the issue date on the certificate.
- E. Third-level certification.**
  - 1. If the second-level certificate of a school nurse has expired or the school nurse was previously certified by the Department of Education and has renewed two or more times, the nurse shall apply for third-level certification on all subsequent renewals. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of all the following:
    - a. Six semester hours of upper division or graduate credit in nursing or health-related subjects from a regionally accredited institution, as defined in R4-19-101; or
    - b. Ninety contact hours of continuing education related to nursing practice.
  - 2. Third-level certification expires six years after the issue date on the certificate.
- F. The Board shall grant a school nurse certificate to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a school nurse certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.**

#### **Historical Note**

Former Section II, Part IX; Repealed effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-32 renumbered as Section R4-19-309 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3). New Section made by final rulemaking at 8 A.A.R. 1813, effective March 20, 2002 (Supp. 02-1). Former Section R4-19-309 renumbered to R4-19-311; new Section R4-19-309 renumbered from R4-19-308 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### **R4-19-310. Certified Registered Nurse**

A registered nurse who has been certified by a nursing organization accredited by the American Board of Nursing Specialties, the National Commission for Certifying Agencies, or an equivalent accrediting agency as determined by the Board is deemed certified for the purposes of A.R.S. § 32-1601(4).

#### **Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### **R4-19-311. Nurse Licensure Compact**

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the Nurse Licensure Compact: Model Rules and Regulations, published by the National Council of State Boards of Nursing, Inc., 111 E. Wacker Dr., Suite 2900, Chicago, IL, 60601, www.ncsbn.org, November 2, 1999, and no later amendments or editions, which is incorporated by reference and on file with the Board.

#### **Historical Note**

New Section renumbered from R4-19-309 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

NURSE LICENSURE COMPACT  
**MODEL RULES AND REGULATIONS**

Article 6D and 8C of the Nurse Licensure Compact grant authority to the Compact Administrators to develop uniform rules to facilitate and coordinate implementation of the Compact.

**1. Definition of terms in the Compact.**

*For the Purpose of the Compact:*

- a. "Board" means party state's regulatory body responsible for issuing nurse licenses.
- b. "Information system" means the coordinated licensure information system.
- c. "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
- d. "Public" means any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

*Other terms used in these rules are to be defined as in the Interstate Compact.*

**2. Issuance of a license by a Compact party state.**

*For the purpose of this Compact:*

- a. A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include but is not limited to:
  - i. Driver's license with a home address;
  - ii. Voter registration card displaying a home address; or
  - iii. Federal income tax return declaring the primary state of residence.(Statutory basis: Articles 2E, 4C, and 4D)
- b. A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days. (Statutory basis: Articles 4B, 4C, and 4D[1])
- c. The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the thirty-(30) day period in section 2b shall be stayed until resolution of the pending investigation. (Statutory basis: Article 5[B])
- d. The former home state license shall no longer be valid upon the issuance of a new home state license. (Statutory basis: Article 4D[1])
- e. If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

**3. Limitations on multi-state licensure privilege.**

*Home state Boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state Boards. (Statutory basis: State statute)*

**4. Information System.**

- a. Levels of access
  - i. The Public shall have access to nurse licensure information limited to:
    - (a) the nurse's name,
    - (b) jurisdiction(s) of licensure,
    - (c) license expiration date(s),
    - (d) licensure classification(s) and status(es),
    - (e) public emergency and final disciplinary actions, as defined by contributing state authority, and
    - (f) the status of multi-state licensure privileges.
  - ii. Non-party state Boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.

- iii. *Party state Boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority. (Statutory basis: 7G)*
- b. *The licensee may request in writing to the home state Board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System. (Statutory basis: 7G)*
- c. *The Board shall report to the Information System within ten (10) business days*
  - a. *disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority),*
  - b. *dismissal of complaint, and*
  - c. *changes in status of disciplinary action, or licensure encumbrance. (Statutory basis: 7B)*
- d. *Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint. (Statutory basis: 7B, 7F)*
- e. *Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a Board. (Statutory basis: 7B, 7F)*

*1999 National Council of State Boards of Nursing for the Nursing Licensure Compact Administrators*

#### **Historical Note**

Former Section II, Part IX; Repealed effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-32 renumbered as Section R4-19-309 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3). New Section made by final rulemaking at 8 A.A.R. 1813, effective March 20, 2002 (Supp. 02-1).

#### **R4-19-312. Practice Requirement**

- A. The Board shall not issue a license or renew the license of an applicant who does not meet the applicable requirements in subsections (B), (C), and (D).
- B. An applicant for licensure by endorsement or renewal shall complete a nursing program or practice nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
  - 1. Completed a nursing education program and obtained a degree, or an advanced practice certificate in nursing within the past five years; or
  - 2. Practiced for a minimum of 960 hours within the past five years where the nurse:
    - a. Worked for compensation or as a volunteer, as a licensed nurse, and performed one or more acts under A.R.S. § 32-1601(13) for a registered nurse or A.R.S. § 32-1601(12) for a practical nurse; or
    - b. Held a position for compensation or as a volunteer that required or recommended, in the job description, the level of licensure being sought or renewed; or
    - c. Engaged in clinical practice as part of an RN-BSN, masters, doctoral, or nurse practitioner program.
- C. An applicant for licensure by examination, who is a graduate of a nursing program located in the U.S or its territories, shall complete a pre-licensure nursing program within two years of the date of licensure. Examination applicants who were previously licensed in a foreign jurisdiction shall meet the applicable requirements of subsection (B) or (D).
- D. A licensee or applicant who fails to satisfy the requirements of subsection (B) or (C), shall submit evidence of satisfactory completion of a Board-approved refresher program that meets the requirements in R4-19-214. The Board may issue a temporary license stamped “for refresher course only” to any applicant who meets all requirements of this Article except subsection (B) or (C) and provides evidence of applying for enrollment in a Board-approved refresher program.

#### **Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

### **ARTICLE 4. REGULATION**

#### **R4-19-401. Scope of Practice for a Practical Nurse**

- A. A licensed practical nurse shall provide nursing care only under the supervision of a professional nurse or licensed physician.
- B. The scope of practice for a licensed practical nurse shall include planning, implementation, documentation, and evaluation of the following:
  - 1. Providing for the emotional and physical comfort of patients;
  - 2. Observing, recording and reporting the condition of the patients including signs and symptoms which may be indicative of change in the patient's condition to the nurse's immediate supervisor;
  - 3. Performing those nursing activities for which the licensed practical nurse has been prepared through basic education and those additional skills which are obtained through approved continued education programs.
  - 4. Assisting with the rehabilitation of patients in accordance with the patient's care plan.

#### **Historical Note**

Former Section III, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-42 renumbered as Section R4-19-401 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

#### **R4-19-402. Scope of Practice for a Professional Nurse**

- A. The scope of practice for a professional nurse shall include the following:
  - 1. Performing those nursing activities for which the professional nurse has been prepared through basic education and additional skills which are obtained through approved continuing education programs;
  - 2. Providing the nursing supervision in the planning for and provision of nursing care to patients and the directing and evaluating of nursing care provided by other licensed nurses and other personnel;
  - 3. Providing patient education, both individualized and to the public;
  - 4. Assessing the patient's needs, planning for, implementing, evaluating, and documenting the nursing care being provided to each patient.
- B. A professional nurse shall be responsible both for the nursing care directly provided by the nurse and the care provided by others who are under the professional nurse's supervision.

#### **Historical Note**

Former Section III, Part I; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-43 renumbered as Section R4-19-402 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

#### **R4-19-403 Unprofessional Conduct**

- A. For the purpose of this Section:
  - 1. "Failure to maintain professional boundaries" means any conduct or behavior of a nurse that, regardless of the nurse's intention, is likely to lessen the benefit of care to a patient, resident, or the family of a patient or resident and places the patient, resident, or family of the patient or resident at risk of being exploited financially, emotionally, or sexually; and
  - 2. "Dual relationship" means a nurse simultaneously engages in both a professional and nonprofessional relationship with a patient that is avoidable, non-incidental, and results in the patient being exploited financially, emotionally, or sexually.
- B. For purposes of A.R.S. § 32-1601(16)(d), any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public includes one or more of the following:
  - 1. A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice;
  - 2. Intentionally or negligently causing physical or emotional injury;
  - 3. Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any family member of a patient or resident;
  - 4. Engaging in sexual conduct with a patient, resident, or any family member of a patient or resident who does not have a pre-existing relationship with the nurse, or any conduct in the work place that a reasonable person would interpret as sexual;
  - 5. Abandoning or neglecting a patient who requires immediate nursing care without making reasonable arrangement for continuation of care;
  - 6. Removing a patient's life support system without appropriate medical or legal authorization;
  - 7. Failing to maintain for a patient record that accurately reflects the nursing assessment, care, treatment, and other nursing services provided to the patient;
  - 8. Falsifying or making a materially incorrect, inconsistent, or unintelligible entry in any record:
    - a. Regarding a patient, health care facility, school, institution, or other work place location; or
    - b. Pertaining to obtaining, possessing, or administering any controlled substance as defined in the federal Uniform Controlled Substances Act, 21 U.S.C. 801 et seq., or Arizona's Uniform Controlled Substances Act, A.R.S. Title 36, Chapter 27;
  - 9. Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient;
  - 10. Failing to take action in a health care setting to protect a patient whose safety or welfare is at risk from incompetent health care practice, or to report the incompetent health care practice to employment or licensing authorities;
  - 11. Failing to report to the Board a licensed nurse whose work history includes conduct, or a pattern of conduct, that leads to or may lead to an adverse patient outcome;
  - 12. Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse;
  - 13. Failing to supervise a person to whom nursing functions are delegated;
  - 14. Delegating services that require nursing judgment to an unauthorized person;



15. Removing, without authorization, any money, property, or personal possessions, or requesting payment for services not performed from a patient, employer, co-worker, or member of the public.
16. Removing, without authorization, a narcotic, drug, controlled substance, supply, equipment, or medical record from any health care facility, school, institution, or other work place location;
17. A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location;
18. Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices;
19. Providing or administering any controlled substance or prescription-only drug for other than accepted therapeutic or research purposes;
20. Engaging in fraud, misrepresentation, or deceit in taking a licensing examination or on an initial or renewal application for a license or certificate;
21. Impersonating a nurse licensed or certified under this Chapter;
22. Permitting or allowing another person to use the nurse's license for any purpose;
23. Advertising the practice of nursing with untruthful or misleading statements;
24. Practicing nursing without a current license or while the license is suspended;
25. Failing to:
  - a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664, or
  - b. Respond to a subpoena issued by the Board;
26. Making a written false or inaccurate statement to the Board or the Board's designee in the course of an investigation;
27. Making a false or misleading statement on a nursing or health care related employment or credential application concerning previous employment, employment experience, education, or credentials;
28. If a licensee or applicant is charged with a felony or a misdemeanor involving conduct that may affect patient safety, failing to notify the Board in writing, as required under A.R.S. § 32-3208, within 10 days of being charged. The licensee or applicant shall include the following in the notification:
  - a. Name, address, telephone number, social security number, and license number, if applicable;
  - b. Date of the charge; and
  - c. Nature of the offense;
29. Failing to notify the Board, in writing, of a conviction for a felony or an undesignated offense within 10 days of the conviction. The nurse or applicant shall include the following in the notification:
  - a. Name, address, telephone number, social security number, and license number, if applicable;
  - b. Date of the conviction; and
  - c. Nature of the offense;
30. For a registered nurse granted prescribing privileges, any act prohibited under R4-19-511(D); or
31. Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed.

#### **Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-44 repealed, new Section R4-19-44 adopted effective May 9, 1984 (Supp. 84-3). Amended by adding Paragraphs 18 through 22 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-44 renumbered and amended as Section R4-19-403 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-404. Reinstatement or Issuance of License**

- A.** A nurse whose license to practice nursing has been suspended for a period of time shall be reinstated at termination of the period of suspension only upon submission to and acceptance by the Board of documentation which evidences that the conditions of the order have been met. The license for a nurse who fails to provide such documentation shall remain suspended until such submission and acceptance.
- B.** A nurse whose license to practice nursing has been denied or revoked in accordance with A.R.S. § 32-1663 may make application to the Board, after a period of five years subsequent to the date the license was revoked or last denied, for the issuance or reissuance of a license under the following terms and conditions:
  1. An application shall be submitted in writing, verified under oath, and shall contain therein or have attached thereto substantial evidence that the basis for denial or revocation has been removed and that the issuance of license will no longer constitute a threat to the public health or safety. The Board may require physical, psychological, or psychiatric evaluations, reports, and affidavits. These conditions shall be met before an application is considered.
  2. The Board shall consider the application and may designate a time for the applicant to appear at a regularly scheduled meeting of the Board so that evidence of qualification and competency to practice can be presented.
  3. After reviewing the evidence and deliberating the matter, the Board may:

- a. Grant the applicant a temporary permit to complete a specified period of supervised practice. On completion of the supervised practice period, the Board shall consider the evaluation of the applicant's performance and shall approve or deny the application or extend the period of supervised practice.
- b. Deny the application. An applicant who is denied issuance or reissuance of a license shall have 10 days from the date of receipt of the notice of denial from the Board to file a request for hearing, in writing, with the Board. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

**Historical Note**

Former Section R4-19-30 renumbered and amended as Section R4-19-45 effective February 20, 1980 (Supp. 80-1). Former Section R4-19-45 renumbered as Section R4-19-404 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

**R4-19-405. Repealed**

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-46 renumbered and amended as Section R4-19-405 effective February 21, 1986 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3).

## ARTICLE 5. ADVANCED AND EXTENDED NURSING PRACTICE

### R4-19-501. Categories and Specialty Areas of Advanced Practice Registered Nursing

- A. The Board uses the following categories of advanced practice registered nursing:
  1. Registered nurse practitioner (RNP) in a specialty area including Certified Nurse Midwife as a specialty area of RNP; and
  2. Clinical Nurse Specialist (CNS) in a specialty area.
- B. A specialty area of advanced practice registered nursing is a field of practice that meets all of the following criteria. The specialty area is:
  1. Approved by the Board as a recognized advanced practice specialty area,
  2. Broad enough for an educational program to be developed that prepares a registered nurse to function both within the scope of practice of a category of advanced practice under A.R.S. § 32-1601 and within the specialty area, and
  3. Recognized as an advanced practice specialty area by a national certifying body that:
    - a. Is accredited by the National Commission for Certifying Agencies, the American Board of Nursing Specialties, or an equivalent organization as determined by the Board;
    - b. Has educational requirements that are consistent with the requirements in R4-19-505;
    - c. Has an application process and credential review that includes documentation that the applicant's education and clinical practice is in the advanced practice specialty area being certified;
    - d. Is national in the scope of its credentialing
    - e. Uses an examination as a basis for certification in the advanced practice specialty area that meets all of the following criteria:
      - i. The examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;
      - ii. The examination assesses entry-level practice in the advanced practice category and specialty area;
      - iii. The examination assesses the knowledge, skills, and abilities essential for the delivery of safe and effective advanced nursing care to clients;
      - iv. Examination items are reviewed for content validity, cultural sensitivity, and correct scoring using an established mechanism, both before first use and periodically;
      - v. The examination is evaluated for psychometric performance and conforms to psychometric standards that are routinely utilized for other types of high-stakes testing;
      - vi. The passing standard is established using accepted psychometric methods and is re-evaluated periodically;
      - vii. Examination security is maintained through established procedures;
      - viii. A re-take policy is in place; and
      - ix. Conditions for taking the certification examination are consistent with standards of the testing community;
    - f. Issues certification based on passing the examination and meeting all other certification requirements;
    - g. Provides for periodic re-certification that includes review of qualifications and continued competence;
    - h. Has mechanisms in place for communication to the Board regarding timely verification of an individual's certification status and changes in the certification program, including qualifications, test plan, and scope of practice; and
    - i. Has an evaluation process to provide quality assurance in its certificate program.
- C. The Board shall determine whether a certification or exam meets the requirements of this Section. The following specialty area certifications and exams meet the requirements of this Section as of the effective date of this rulemaking:
  1. For RNP:
    - a. American Academy of Nurse Practitioner certification in the specialties of:
      - i. Adult nurse practitioner,
      - ii. Family nurse practitioner,
    - b. American Nurses Credentialing Center certification in the specialties of:
      - i. Acute care nurse practitioner,
      - ii. Adult nurse practitioner,
      - iii. Family nurse practitioner,
      - iv. Gerontological nurse practitioner,
      - v. Pediatric nurse practitioner,
      - vi. Adult psychiatric and mental health nurse practitioner,
      - vii. Family psychiatric and mental health nurse practitioner,
    - c. Pediatric Nursing Certification Board certification in the specialty of pediatric nurse practitioner,
    - d. National Certification Corporation for Obstetric, Gynecological, and Neonatal Nursing Specialties certification in the specialties of:
      - i. Women's health nurse practitioner,
      - ii. Neonatal nurse practitioner,
    - e. American College of Nurse Midwives Certification Council certification in the specialty of nurse midwife,
  2. For CNS:
    - a. American Association of Critical Care Nurses certification in the specialties of:
      - i. Adult critical care CNS,
      - ii. Pediatric critical care CNS,

- iii. Neonatal critical care CNS,
  - b. American Nurses Credentialing Center certification in the specialties of:
    - i. Adult psych/mental health going across the life span CNS,
    - ii. Child/adolescent psych mental health CNS,
    - iii. Community health CNS,
    - iv. Gerontological CNS,
    - v. Home health CNS,
    - vi. Medical-surgical CNS,
    - vii. Pediatric CNS.
- D. The Board shall approve a specialty area that meets the criteria established in this Section. An entity that seeks approval of a specialty area and is denied approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### **Historical Note**

Former Section IV, Part I. Former Section R4-19-53 renumbered as Section R4-19-501 (Supp. 86-1). Former Section R4-19-501 renumbered to R4-19-502, new Section R4-19-501 adopted effective November 18, 1994 (Supp. 94-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 3213, effective July 12, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3).

#### **R4-19-502. Requirements for Advanced Practice Registered Nursing Programs**

- A. An educational institution or other entity that offers an advanced practice registered nursing program for registered nurse practitioners or clinical nurse specialists shall ensure that the program:
  - 1. Is offered by or affiliated with a college or university that is accredited under A.R.S. § 32-1644;
  - 2. Is a formal educational program, that is part of a masters program or a post-masters program in nursing with a concentration in an advanced practice registered nursing category and specialty under R4-19-501;
  - 3. Is nationally accredited by an approved national nursing accrediting agency as defined in R4-19-101;
  - 4. Offers a curriculum that covers the scope of practice for both the category of advanced practice as specified in A.R.S. § 32-1601 and the specialty area;
  - 5. Includes a minimum of 500 hours of clinical practice;
  - 6. Notifies the Board of any changes in hours of clinical practice or accreditation status and responds to Board requests for information;
  - 7. Has financial resources sufficient to support the educational goals of the program; and
  - 8. Establishes academic, professional, and conduct standards that determine admission to the program, progression in the program, and graduation from the program that are consistent with sound educational practices and recognized standards of professional conduct.
- B. A faculty member who is educated and nationally certified in the same or a related specialty area and certified as an advanced practice registered nurse by the Board shall coordinate the educational component for the category and specialty in the advanced practice registered nursing program.
- C. The parent institution of an advanced practice registered nursing program shall ensure that a nursing program faculty member is appointed to oversee any advanced practice registered nursing course that includes a clinical experience. The faculty member appointed shall hold:
  - 1. An unencumbered active license in good standing or a multistate privilege to practice as a registered nurse in Arizona, and
  - 2. A graduate degree with a major in nursing or a clinical specialty.
- D. Other licensed health care professionals may teach a non-clinical course or assist in teaching a clinical course in an advanced practice registered nursing program within their area of licensure and expertise.
- E. The parent institution of an advanced practice nursing program shall ensure that a preceptor supervising a student in clinical practice:
  - 1. Holds an unencumbered active license or multistate privilege to practice as a registered nurse or physician in the state in which the preceptor practices or, if employed by the federal government, holds an unencumbered active RN or physician license in the United States;
  - 2. Has at least one year clinical experience as a physician or an advanced practice nurse, and
  - 3. For nurse preceptors, has at least one of the following:
    - a. National certification in the advanced practice category in which the student is enrolled;
    - b. Current Board certification in the advanced practice category in which the student is enrolled; or
    - c. If an advanced practice preceptor cannot be found who meets the requirements of (E)(3)(a) or (b), educational and experiential qualifications that will enable the preceptor to precept students in the program, as determined by the nursing program and verified by the Board.

#### **Historical Note**

Former Section IV, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-54 repealed, new Section R4-19-54 adopted effective July 20, 1981 (Supp. 81-4). Former Section R4-19-54 renumbered as Section R4-19-502 (Supp. 86-1). Section repealed, new Section R4-19-502 renumbered from R4-19-501 and Section heading amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section R4-19-502 adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3).

**R4-19-503. Application for Approval of an Advanced Practice Registered Nursing Program; Approval by Board**

- A. An administrator of an educational institution that proposes to offer an advanced practice registered nursing program shall submit the following to the Board:
1. An application that includes all of the following information:
    - a. Category, specialty area that meets the criteria in R4-19-501(B), and the faculty member coordinating the program under R4-19-502(B);
    - b. Name, address, and accreditation status of the applicant or affiliated educational institution;
    - c. The mission, goals, and objectives of the program consistent with generally accepted standards for advanced practice education;
    - d. List of the required courses, and a description, measurable objectives, and content outline for each required course;
    - e. A proposed time schedule for implementation of the program;
    - f. The total hours allotted for both didactic instruction and supervised clinical practicum in the program;
    - g. List of the names and qualifications of each faculty member; and
    - h. A self-study that provides evidence of compliance with R4-19-502.
  - B. The Board shall approve an advanced practice registered nursing program if approval is in the best interest of the public and the program meets the requirements of this Article. The Board may grant approval for a period of two years or less to an advanced practice nursing program where the program meets all the requirements of this Article except for accreditation by a national nursing accrediting agency, based on the program's presentation of evidence that it has applied for accreditation and meets accreditation standards.
  - C. An educational institution that is denied approval of an advanced practice registered nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying its application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  - D. Approval of an advanced practice registered nursing program expires 12 months from the date of approval if a class of students is not admitted within that time.

**Historical Note**

Former Section IV, Part III; Amended effective Nov. 17, 1978 (Supp. 78-6). Amended effective February 20, 1980 (Supp. 80-1). Amended by adding subsection (F) effective July 20, 1981 (Supp. 81-4). Amended by adding subsection (G) effective September 15, 1982 (Supp. 82-5). Former Section R4-19-55 renumbered as Section R4-19-503 (Supp. 86-1). Former Section R4-19-503 repealed, new Section adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-503 renumbered to Section R4-19-504; new Section R4-19-503 adopted effective November 25, 1996 (Supp. 86-1). Amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3).

**R4-19-504. Rescission of Approval of an Advanced Practice Registered Nursing Program**

- A. The Board may periodically survey an advanced practice registered nursing program to determine whether criteria for approval are being met.
- B. The Board shall, upon determining that an advanced practice registered nursing program is not in compliance with R4-19-502, provide to the program administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. The time for correction may not exceed 18 months.
1. The program administrator shall, within 30 days from the date of service of the notice of deficiencies, consult with the Board or designated Board representative and, after consultation, file a plan to correct each of the identified deficiencies.
  2. The program administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  3. If the Board's determination is not appealed or is upheld upon appeal, the Board may conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies have been corrected.
- C. The Board shall, following a Board-conducted survey and report, rescind the approval or limit the ability of a program to admit students if the program fails to comply with R4-19-502 within the time set by the Board in the notice of deficiencies provided to the program administrator.
1. The Board shall serve the program administrator with a written notice of proposed rescission of approval or limitation of admission of students that states the grounds for the rescission or limitation. The program administrator has 30 days to submit a written request for a hearing to show cause why approval should not be rescinded or admissions limited. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  2. Upon the effective date of a decision to rescind program approval, the effected advanced practice registered nursing program shall immediately cease operation and be removed from the official approved-status listing. An advanced practice registered nursing program that is ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.
- D. The Board may rescind approval of an advanced practice registered nursing program, based on the severity of the violations, if rescission is in the best interest of the public or for one or both of the following reasons:
1. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in R4-19-502; or
  2. Failure to comply with orders of or stipulations with the Board within the time determined by the Board.

### Historical Note

Former R4-19-504 renumbered to R4-19-505; new R4-19-504 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3).

#### **R4-19-505. Requirements for Advanced Practice Registered Nursing Certification**

- A. An applicant for certification as a registered nurse practitioner (RNP) or clinical nurse specialist (CNS) in a specialty area, shall:
1. Hold a current Arizona registered nurse (RN) license in good standing or an RN license in good standing from a compact party state with multistate privileges; and
  2. Submit an application to the Board that provides all of the following:
    - a. Full name and any former names;
    - b. Current mailing address and telephone number;
    - c. RN license number, application for RN license, or copy of a multistate compact RN license;
    - d. Educational background, including the name and location of all advanced practice registered nursing education programs or schools attended, the number of years attended, the length of each program, the date of graduation or completion, and the type of degree or certificate awarded;
    - e. Category and specialty area for which the applicant is applying;
    - f. Each current and previous employer, including address, type of position, and dates of employment;
    - g. Information regarding national certification or recertification as an advanced practice registered nurse in the category and specialty area, if applicable, for which the applicant is applying, including the name of the certifying organization, specialty area, certification number, date of certification, and expiration date;
    - h. Whether the applicant is under investigation or has disciplinary action pending against the applicant's nursing license or advanced practice certificate or license in any state, other than Arizona, or territory of the United States;
    - i. Whether the applicant has ever been convicted, entered a plea of guilty, nolo contendere, or no contest, or ever been sentenced, served time in jail or prison, or had deferred prosecution or sentence deferred in any felony or undesignated offense;
    - j. Whether the applicant has committed an act of unprofessional conduct as defined in A.R.S. § 32-1601;
    - k. Completed fingerprint card if the applicant has not submitted a fingerprint card to the Board within the last two years; and
    - l. Signature verifying the truthfulness of the information provided;
    - m. An official transcript from an institution accredited under A.R.S. § 32-1644 either sent directly from the institution or obtained from a Board-approved database that provides evidence of a graduate degree with a major in nursing.
  3. For a CNS applicant, submit evidence that the applicant completed a program in a clinical specialty that prepared the applicant to practice as a CNS, as part of a graduate degree or post-masters program, either directly from the program or a Board-approved database.
  4. For an RNP applicant, submit evidence of completion of an RNP program in the specialty area for which the applicant is applying either directly from the program or from a reliable data base and one of the following:
    - a. Evidence of completion of an RNP program that was part of a graduate degree, or post-masters program at an institution accredited under A.R.S. 32-1644;
    - b. Evidence of completion of a Board-approved RNP program;
    - c. An official transcript from an RNP program offered by or affiliated with a college or university accredited under A.R.S. § 32-1644, which was at least nine months or two full-time semesters in duration and included theory and clinical experience; or
    - d. If the program was not provided by an accredited college or university but is located in the U.S. or territories; an official transcript, a copy of a certificate, or an official letter that shows the program:
      - i. Was at least nine months in length or equivalent to two semesters full-time study, or contained didactic and at least 500 hours clinical instruction;
      - ii. Contained theory and clinical experiences sufficient to prepare the graduate to practice within the category and specialty area of practice for which the nurse is applying under A.R.S. § 32-1601; and
      - iii. Was a RNP program recognized by the jurisdiction where it was located for the purpose of granting nurse practitioner licensure or certification.
  5. For an applicant who completed an RNP program, CNS program, or graduate program in a foreign jurisdiction, submit an evaluation from the Commission on Graduates of Foreign Nursing Schools or a Board-approved credential evaluation service that indicates the applicant's program is comparable to a U.S. graduate nursing program, clinical nurse specialist program, or registered nurse practitioner program in the specialty area;
  6. For a Clinical Nurse Specialist or Certified Nurse Midwife applicant, or for a Registered Nurse Practitioner applicant submitting an application after July 1, 2004, submit verification of current national certification or recertification in the applicant's category and specialty, as applicable, from a certifying body that meets the criteria in R4-19-501(B)(3);
  7. For a CNS applicant who submits an application to the Board, and completed a maternal-child clinical nurse specialist program that meets the requirements of subsection (A)(3), but cannot be nationally certified due to lack of a certification exam that meets the requirements of R4-19-501, submit:
    - a. A description of the applicant's scope of practice that is consistent with A.R.S. § 32-1601(5);
    - b. One of the following:

- i. A letter from a faculty member who supervised the applicant during the graduate program attesting to the applicant's competence to practice within the defined scope of practice;
    - ii. A letter from a supervisor verifying the applicant's competence in the defined scope of practice; or
    - iii. A letter from a physician, RNP, or CNS attesting to the applicant's competence in the defined scope of practice; and
  - c. A form verifying that the applicant has practiced a minimum of 500 hours in the specialty area within the past two years, which may include clinical practice time in a CNS program; and
- 8. Submit the required fee.
- B. The Board shall continue to certify:
  - 1. An RNP without a graduate degree with a major in nursing if the applicant:
    - a. Meets all other requirements for certification; and
    - b. Provides evidence, directly from the jurisdiction, of certification or licensure in the advanced practice category and specialty in this or another state or territory of the United States, that either is current or was current at least six months before the application was received by the Board, and was originally issued:
      - i. Before January 1, 2001, if the RNP applicant lacks a graduate degree; or
      - ii. Before November 13, 2005 if the RNP's graduate degree is in a health-related area other than nursing.
  - 2. An RNP or CNS applicant without evidence of national certification who received initial advanced practice certification or licensure in another state not later than July 1, 2004 and provides evidence, directly from the jurisdiction, that the certification or licensure is current; and
  - 3. A CNS applicant who received initial certification or advanced practice licensure in this or another state not later than November 13, 2005 and provides evidence, directly from the jurisdiction, that the certificate or license is current without evidence that the applicant completed a program in a clinical specialty.
- C. The Board shall issue a certificate to practice as a registered nurse practitioner or a clinical nurse specialist in a specialty area to a registered nurse who meets the criteria in this Section. An applicant who is denied a certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-56 repealed, new Section R4-19-56 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-56 renumbered as Section R4-19-504 (Supp. 86-1). Former Section R4-19-504 renumbered to R4-19-505, new Section R4-19-504 adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-504 renumbered to Section R4-10-505; new Section R4-19-504 renumbered from R4-19-503 and amended effective November 25, 1996 (Supp. 96-4). Amended effective January 10, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 3911, effective September 28, 1999 (Supp. 99-3). Former R4-19-505 renumbered to R4-19-508; new R4-19-505 renumbered from R4-19-504 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

#### **R4-19-506. Expiration of Advanced Practice Certificates; Practice Requirement; Renewal**

- A. An advanced practice certificate issued after July 1, 2004, expires when the certificate holder's RN license expires. Certificates issued on or before July 1, 2004 or those issued without proof of national certification under R4-19-505(A)(7) and (B)(2) do not expire unless the RN license expires under A.R.S. § 32-1642 or the nurse has not practiced advanced practice nursing at the applicable level of certification for a minimum of 960 hours in the five years before the date the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
  - 1. Completed an advanced practice nursing education program within the past five years; or
  - 2. Practiced for a minimum of 960 hours within the past five years where the nurse:
    - a. Worked for compensation or as a volunteer, as an RNP or CNS, and performed one or more acts under A.R.S. § 32-1601(5) for a CNS or A.R.S. § 32-1601(15) for an RNP; or
    - b. Held a position for compensation or as a volunteer that required or recommended, in the job description, the level of advanced practice certification being sought or renewed.
- B. A registered nurse requesting renewal of an advanced practice certificate or an RNP certificate issued after July 1, 2004 shall provide evidence of current national certification or recertification under R4-19-505(A)(6). This provision does not apply to a CNS granted a waiver of certification.
- C. An advanced practice nurse requesting renewal of an advanced practice certificate who does not satisfy the practice requirement of subsection (A) shall either:
  - 1. Provide evidence of current national certification in the category and specialty area of Board certification; or
  - 2. Complete coursework or continuing education activities at the graduate or advanced practice level that includes, at minimum, 45 contact hours of advanced pharmacology and 45 contact hours in a subject or subjects related to the category and specialty area of certification. Upon completion of the coursework, the nurse shall engage in a period of precepted clinical practice as specified in this subsection:
    - a. Precepted clinical practice shall be directly supervised by an advanced practice nurse in the same category and specialty area as the certification renewed or a physician who engages in practice with the same population as the certification being renewed.

- b. Practice hours completed during the time-frame specified below may be applied to reduce the number of precepted clinical practice hours, except that in no case shall the hours be reduced by more than half the requirement. The nurse shall complete hours according to the following schedule:
      - i. 300 hours if the applicant has practiced less than 960 hours in only the last five years;
      - ii. 600 hours if the applicant has not practiced 960 hours in the last five years, but has practiced at least 960 hours in the last six years;
      - iii. 1000 hours if the applicant has not practiced at least 960 hours in the last six years, but has practiced 960 hours in the last seven to 10 years; or
    - c. If the nurse has not practiced 960 hours of advanced practice nursing in the category and specialty area being renewed in more than 10 years, complete a program of study as recommended by an approved advanced practice nursing program that includes, at minimum, 500 hours of faculty supervised clinical practice in the category and specialty area of certification. An applicant who qualifies for any option in subsection (C)(2)(b) may complete the requirements of this subsection to satisfy the practice requirement.
  - D. The Board shall renew a certificate to practice as a registered nurse practitioner or a clinical nurse specialist in a specialty area for a registered nurse who meets the criteria in this Section. An applicant who is denied renewal of a certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying renewal of certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Section R4-19-506 renumbered from R4-19-505 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-506 renumbered to R4-19-510, new Section R4-19-506 adopted effective November 25, 1996 (Supp. 96-4). Former R4-19-506 renumbered to R4-19-510; new Section R4-19-506 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

#### **R4-19-507. Temporary Advanced Practice Certificate**

- A. Based on the registered nurse's qualifications, the Board may issue a temporary certificate to practice as a registered nurse practitioner or a clinical nurse specialist in a specialty area. A registered nurse who is applying for a temporary certificate shall:
  - 1. Apply for certification as an advanced practice nurse;
  - 2. Submit an application for a temporary certificate;
  - 3. Demonstrate authorization to practice as a registered nurse in Arizona on either a permanent or temporary Arizona license or a multistate compact privilege;
  - 4. Meet all requirements of R4-19-505 or meet the requirements of R4-19-505 with the exception of national certification under R4-19-505(A)(6); and
  - 5. Submit evidence that the applicant has applied for and is eligible to take or has taken an advanced practice certifying examination in the applicant's category and specialty area of practice, if applicable.
- B. Temporary certification as an advanced practice nurse expires in six months and may be renewed for an additional six months for good cause. Good cause means reasons beyond the control of the temporary certificate holder such as unavoidable delays in obtaining information required for certification.
- C. Notwithstanding subsection (B), the Board shall withdraw a temporary advanced practice certificate under any one of the following conditions. The temporary certificate holder:
  - 1. Does not meet requirements for RN licensure in this state or the RN license is suspended or revoked,
  - 2. Fails to renew the RN license upon expiration,
  - 3. Loses the multistate compact privilege,
  - 4. Fails the national certifying examination, or
  - 5. Violates a statute or rule of the Board.
- D. A temporary registered nurse practitioner certificate does not qualify an applicant for prescribing or dispensing privileges.
- E. An applicant who is denied a temporary certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the temporary certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

#### **R4-19-508. Scope of Practice of a Registered Nurse Practitioner**

- A. An RNP shall refer a patient to a physician or another health care provider if the referral will protect the health and welfare of the patient and consult with a physician and other health care providers if a situation or condition occurs in a patient that is beyond the RNP's knowledge and experience.
- B. In addition to the scope of practice permitted a registered nurse, a registered nurse practitioner, under A.R.S. §§ 32-1601(15) and 32-1606(B)(12), may perform the following acts within the limits of the specialty area of certification:
  - 1. Examine a patient and establish a medical diagnosis by client history, physical examination, and other criteria;
  - 2. For a patient who requires the services of a health care facility:



- a. Admit the patient to the facility;
    - b. Manage the care the patient receives in the facility, and
    - c. Discharge the patient from the facility;
  3. Order and interpret laboratory, radiographic, and other diagnostic tests, and perform those tests that the RNP is qualified to perform;
  4. Identify, develop, implement, and evaluate a plan of care for a patient to promote, maintain, and restore health;
  5. Perform therapeutic procedures that the RNP is qualified to perform;
  6. Prescribe treatments;
  7. If authorized under R4-19-511, prescribe and dispense drugs and devices; and
  8. Perform additional acts that the RNP is qualified to perform.
- C. An RNP shall only provide health care services within the nurse practitioner's scope of practice for which the RNP is educationally prepared and for which competency has been established and maintained. Educational preparation means academic coursework or continuing education activities that include both theory and supervised clinical practice.

#### **Historical Note**

Adopted effective February 25, 1987 (Supp. 87-1). Former Section R4-19-505 renumbered to R4-19-506, new Section R4-19-505 renumbered from R4-19-504 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-505 repealed, new Section R4-19-505 renumbered from R4-19-504 and amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Former R4-19-508 renumbered to R4-19-513; new R4-19-508 renumbered from R4-19-505 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3). Amended by final rulemaking at 13 A.A.R. 1483, effective June 2, 2007 (Supp. 07-2).

3).

#### **R4-19-509. Delegation to Medical Assistants**

- A. Under A.R.S. § 32-1601(15), an RNP may delegate patient care to a medical assistant in an office or outpatient setting. The RNP shall verify that a medical assistant to whom the RNP delegates meets at least one of the following qualifications:
1. Completed an approved medical assistant training program as defined in R4-16-301;
  2. If a graduate of an unapproved medical assistant training program, passed the medical assistant examination administered by either the American Association of Medical Assistants or the American Medical Technologists;
  3. Completed an unapproved medical assistant training program and was employed as a medical assistant on a continuous basis since completion of the program before February 2, 2000;
  4. Was directly supervised by the same registered nurse practitioner for at least 2000 hours before February 2, 2000; or
  5. Completed a medical services training program of the Armed Forces of the United States.
- B. A medical assistant may perform, under the delegation and onsite supervision of a registered nurse practitioner, those acts authorized under R4-16-303.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-510. Use of Title**

Under A.R.S. § 32-1666, a person shall not practice as a registered nurse practitioner, also known as a nurse practitioner, a certified nurse midwife, also known as nurse midwife or a clinical nurse specialist, or use any words or letters to indicate the person is a registered nurse practitioner, nurse practitioner, certified nurse midwife, nurse midwife, or clinical nurse specialist unless certified by the Board.

#### **Historical Note**

Section renumbered from R4-19-506 and amended effective November 25, 1996 (Supp. 96-4). Section repealed made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1). Section R4-19-510 renumbered from R4-19-506 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-511. Prescribing and Dispensing Authority; Prohibited Acts**

- A. The Board shall authorize an RNP to prescribe and dispense (P&D) drugs and devices within the RNP's specialty area and category of practice only if the RNP does all of the following:
1. Obtains authorization by the Board to practice as a registered nurse practitioner;
  2. Applies for prescribing and dispensing privileges on the application for registered nurse practitioner certification;
  3. Submits a completed application on a form provided by the Board that contains all of the following information:
    - a. Name, address, and home telephone number;
    - b. Arizona registered nurse license number, or copy of compact license;
    - c. Nurse practitioner specialty;
    - d. Nurse practitioner certification number issued by the Board;
    - e. Business address and telephone number; and

- f. A sworn statement verifying the truthfulness of the information provided;
4. Submits evidence of a minimum of 45 contact hours of education within the three years immediately preceding the application, covering one or both of the following topics:
  - a. Pharmacology, or
  - b. Clinical management of drug therapy, and
5. Submits the required fee.
- B. An applicant who is denied P & D authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the P & D authority. Board hearings shall comply with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.
- C. An RNP shall not prescribe or dispense drugs or devices without Board authority or in a manner inconsistent with law. The Board may impose an administrative or civil penalty for each violation, suspend the RNP's P & D authority, or impose other sanctions under A.R.S. § 32-1606(C). In determining the appropriate sanction, the Board shall consider factors such as the number of violations, the severity of each violation, and the potential for or existence of patient harm.
- D. In addition to acts listed under R4-19-403, for a nurse who prescribes or dispenses a drug or device, a practice that is or might be harmful to the health of a patient or the public, includes one or more of the following:
  1. Prescribing a controlled substance to one's self or a member of the nurse's family;
  2. Providing any controlled substance or prescription-only drug or device for other than accepted therapeutic purposes;
  3. Prescribing an amphetamine or similar Class II drug, in the treatment of exogenous obesity, for a period in excess of 30 days within a 12-month period for an individual; or the non-therapeutic use of injectable amphetamines;
  4. Delegating the prescribing and dispensing of drugs or devices to any other person; and
  5. Prescribing, dispensing, or furnishing a prescription drug or a prescription-only device to a person unless the nurse has examined the person and established a professional relationship, except when the nurse is engaging in one or more of the following:
    - a. Providing temporary patient care on behalf of the patient's regular treating and licensed health care professional;
    - b. Providing care in an emergency medical situation where immediate medical care or hospitalization is required by a person for the preservation or health, life, or limb; or
    - c. Furnishing a prescription drug to prepare a patient for a medical examination.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-512. Prescribing Drugs and Devices**

- A. An RNP granted P & D authority by the Board may:
  1. Prescribe drugs and devices;
  2. Provide for refill of prescription-only drugs and devices for one year from the date of the prescription.
- B. An RNP with P & D authority who wishes to prescribe a controlled substance shall obtain a DEA registration number before prescribing a controlled substance. The RNP shall file the DEA registration number with the Board.
- C. An RNP with a DEA registration number may prescribe:
  1. A Class II controlled substance as defined in the federal Uniform Controlled Substances Act, 21 U.S.C. § 801 et seq., or Arizona's Uniform Controlled Substances Act, A.R.S. Title 36, Chapter 27, but shall not prescribe refills of the prescription;
  2. A Class III or IV controlled substance, as defined in the federal Uniform Controlled Substances Act or Arizona's Uniform Controlled Substances Act, and may prescribe a maximum of five refills in six months; and
  3. A Class V controlled substance, as defined in the federal Uniform Controlled Substances Act or Arizona's Uniform Controlled Substances Act, and may prescribe refills for a maximum of one year.
- D. An RNP whose DEA registration is revoked or expires shall not prescribe controlled substances. An RNP whose DEA registration is revoked or limited shall report the action to the Board.
- E. In all outpatient settings or at the time of hospital discharge, an RNP with P & D authority shall personally provide a patient or the patient's representative with the name of the drug, directions for use, and any special instructions, precautions, or storage requirements necessary for safe and effective use of the drug if any of the following occurs:
  1. A new drug is prescribed or there is a change in the dose, form, or direction for use in a previously prescribed drug;
  2. In the RNP's professional judgment, these instructions are warranted; or
  3. The patient or patient's representative requests instruction.
- F. An RNP with P & D authority shall ensure that all prescription orders contain the following:
  1. The RNP's name, address, telephone number, and specialty area;
  2. The prescription date;
  3. The name and address of the patient;
  4. The full name of the drug, strength, dosage form, and directions for use;
  5. The letters "DAW", "dispense as written", "do not substitute", "medically necessary" or any similar statement on the face of the prescription form if intending to prevent substitution of the drug;
  6. The RNP's DEA registration number, if applicable; and
  7. The RNP's signature.

### Historical Note

Former R4-19-512 renumbered to R4-19-514; new R4-19-512 made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (05-3).

#### **R4-19-513. Dispensing Drugs and Devices**

- A. A registered nurse practitioner (RNP) granted prescribing and dispensing authority by the Board may:
  - 1. Dispense drugs and devices to patients;
  - 2. Dispense samples of drugs packaged for individual use without a prescription order or additional labeling;
  - 3. Only dispense drugs and devices obtained directly from a pharmacy, manufacturer, wholesaler, or distributor; and
  - 4. Allow other personnel to assist in the delivery of medications provided that the RNP retains responsibility and accountability for the dispensing process.
- B. If dispensing a drug or device, an RNP with dispensing authority shall:
  - 1. Ensure that the patient has a written prescription that complies with R4-19-512(F) and inform the patient that the prescription may be filled by the prescribing RNP or by a pharmacy of the patient's choice;
  - 2. Affix a prescription number to each prescription that is dispensed; and
  - 3. Ensure that all original prescriptions are preserved for a minimum of seven years and make the original prescriptions available at all times for inspection by the Board of Nursing, Board of Pharmacy, and law enforcement officers in performance of their duties.
- C. An RNP practicing in a public health facility operated by this state or a county or in a qualifying community health center under A.R.S. § 32-1921(F) may dispense drugs or devices to patients without a written prescription if the public health facility or the qualifying community health center adheres to all storage, labeling, safety, and recordkeeping rules of the Board of Pharmacy.
- D. An RNP with dispensing authority shall ensure that a drug is dispensed with a label that contains all of the following information:
  - 1. Dispensing RNP's name and specialty area;
  - 2. Address and telephone number of the location at which the drug is dispensed;
  - 3. Date dispensed;
  - 4. Patient's name and address;
  - 5. Name and strength of the drug, quantity in the container, directions for use, and any cautionary statements necessary for the safe and effective use of the drug;
  - 6. Manufacturer and lot number; and
  - 7. Prescription order number.
- E. An RNP with dispensing authority shall ensure that the following information about the drug or device is entered into the patient's medical record:
  - 1. Name of the drug, strength, quantity, directions for use, and number of refills;
  - 2. Date dispensed;
  - 3. Therapeutic reason;
  - 4. Manufacturer and lot number; and
  - 5. Prescription order number.
- F. An RNP with dispensing authority shall:
  - 1. Keep all drugs in a locked cabinet or room in an area that is not accessible to patients;
  - 2. If dispensing a controlled substance:
    - a. Control access by a written policy that specifies:
      - i. Those persons allowed access, and
      - ii. Procedures to report immediately the discovery of a shortage or illegal removal of drugs to a local law enforcement agency and provide that agency and the DEA with a written report within seven days of the discovery;
    - b. Maintain and make available to the Board upon request an ongoing inventory and record of:
      - i. A Schedule II controlled substance, as defined in the federal Uniform Controlled Substances Act or Arizona's Uniform Controlled Substances Act, separately from all other records, and a prescription for a Schedule II controlled substance in a separate prescription file; and
      - ii. A Schedule III, IV, or V controlled substance, as defined in the federal Uniform Controlled Substances Act or Arizona's Uniform Controlled Substances Act, in a form that is readily retrievable from other records.
- G. If a prescription order is refilled, an RNP with P & D authority shall record the following information on the back of the prescription order or in the patient's medical record:
  - 1. Date refilled,
  - 2. Quantity dispensed if different from the full amount of the original prescription,
  - 3. RNP's name or identifiable initials, and
  - 4. Manufacturer and lot number.
- H. Under the supervision of an RNP with P & D authority, other personnel may:
  - 1. Receive and record a prescription refill request from a patient or a patient's representative;
  - 2. Receive and record a verbal refill authorization from the RNP including:
    - a. The RNP's name;
    - b. Date of refill;
    - c. Name, directions for use, and quantity of drug; and

- d. Manufacturer and lot number;
3. Prepare and affix a prescription label; and
4. Prepare a drug or device for delivery, provided that the dispensing RNP:
  - a. Inspects the drug or device and initials the label before issuing to the patient to ensure compliance with the prescription; and
  - b. Ensures that the patient is informed of the name of the drug or device, directions for use, precautions, and storage requirements.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4). Former R4-19-513 renumbered to R4-19-515; new R4-19-513 renumbered from R4-19-508 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-514. Scope of Practice of the Clinical Nurse Specialist**

In addition to the functions of a registered nurse, a clinical nurse specialist, under A.R.S. § 32-1601(5), may perform one or more of the following for an individual, family, or group within the specialty area of certification:

1. Perform a comprehensive assessment, analysis, and evaluation of a patient's complex health needs;
2. Diagnose symptoms, functional problems, risk behaviors, and health status;
3. Direct health care as an advanced clinician;
4. Develop, implement, and evaluate a treatment plan according to a patient's need for specialized nursing care;
5. Establish nursing standing orders, algorithms, and practice guidelines related to interventions and specific plans of care;
6. Manage health care according to written protocols;
7. Facilitate system changes on a multidisciplinary level to assist a health care facility and improve patient outcomes cost-effectively;
8. Consult with the public and professionals in health care, business, and industry in the areas of research, case management, education, and administration;
9. Perform psychotherapy if certified as a clinical nurse specialist in adult or child and adolescent psychiatric and mental health nursing;
10. Prescribe and dispense durable medical equipment; or
11. Perform additional acts that the clinical nurse specialist is qualified to perform.

#### **Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section R4-19-514 renumbered from R4-19-512 and amended by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-515. Prescribing Authority of a Certified Registered Nurse Anesthetist**

- A. The Board shall authorize a CRNA to prescribe medication, meaning to order drugs or medication for administration to a patient, only if in the best interest of the public and the CRNA meets the following requirements:
  1. Current licensure as a professional nurse in Arizona in good standing;
  2. Graduation from an educational program accredited by the American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs or a predecessor and that has the objective of preparing a nurse to practice nurse anesthesia;
  3. Initial certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists and recertification, as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;
  4. Submission of a completed application form provided by the Board and an application packet that includes the following information and documentation:
    - a. Name, address, and phone number;
    - b. Professional nurse license number;
    - c. Certification number;
    - d. Business address and phone number;
    - e. Documentation verifying current certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists, or as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;
    - f. Response to questions addressing the following subjects:
      - i. Prior disciplinary action;
      - ii. Pending investigation or disciplinary action;
      - iii. Pending criminal charges;
      - iv. Prior misdemeanor or undesignated offense conviction;
      - v. Prior felony conviction and date of absolute discharge of sentence;
      - vi. Use of a chemical substance; and
      - vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession;
    - g. Applicant's sworn statement verifying the truthfulness of the information provided; and
    - h. Applicable fees.

- B. An applicant denied medication prescribing authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for prescribing authority. Board hearings shall comply with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.
- C. A CRNA granted prescribing authority may prescribe drugs or medication to be administered by a licensed, certified or registered health care provider pre-operatively, post-operatively, or as part of a procedure performed in a health care facility; the office of a health care provider licensed pursuant to A.R.S. Title 32, Chapters 7, 11, 13, and 17; or in an ambulance.
- D. A CRNA with prescribing authority shall ensure that all prescription orders contain the following:
  - 1. The CRNA's name;
  - 2. The prescription date;
  - 3. The name of the patient and patient identification number; and
  - 4. The name of the medication, strength, dosage, and route of administration.

#### **Historical Note**

Section adopted by final rulemaking at 6 A.A.R. 335, effective December 20, 1999 (Supp. 99-4). Section R4-19-515 renumbered from R4-19-513 by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

#### **R4-19-516. Registered Nurse Anesthetist; Notification of the Board; Nurse Anesthetist Programs; Scope of Practice**

- A. A registered nurse who does not have prescribing authority under R4-19-515 and wishes to administer anesthetics under A.R.S. § 32-1661 shall provide the nurse's name, RN license number, and the following information to the Board before using the title nurse anesthetist, registered nurse anesthetist, or certified registered nurse anesthetist (CRNA) or carrying out any activities under A.R.S. § 32-1661:
  - 1. An official transcript that provides evidence that the nurse graduated from a nationally accredited program in the science of anesthesia; and
  - 2. Whether the applicant has applied for national certification as a certified registered nurse anesthetist, including the date of the application, the name of the certifying agency, and results of any certifying exam; or
  - 3. Evidence of current registered nurse anesthetist certification from an approved certifying agency under R4-19-310.
- B. An administrator of an educational institution that wishes to provide a course of study that allows nurses to administer anesthetics under A.R.S. § 32-1661 shall inform the Board and furnish evidence of accreditation by an approved national nursing accrediting agency recognized by the Board under R4-19-101 before accepting students.
- C. In addition to the scope of practice permitted a registered nurse under A.R.S. § 32-1601, a registered nurse governed by this Section may perform one or more of the following acts:
  - 1. Assess the health status of an individual as that status relates to the relative risks associated with anesthetic management of an individual;
  - 2. Obtain informed consent;
  - 3. Order and interpret laboratory and other diagnostic tests and perform those tests that the nurse is qualified to perform;
  - 4. Order and interpret radiographic imaging studies that the nurse is qualified to order and interpret;
  - 5. Identify, develop, implement, and evaluate an anesthetic plan of care for a patient to promote, maintain, and restore health;
  - 6. Take action necessary in response to an emergency situation;
  - 7. Perform therapeutic procedures that the nurse is qualified to perform; or
  - 8. Perform additional acts that the nurse is qualified to perform.

#### **Historical Note**

New Section made by final rulemaking at 11 A.A.R. 3804, effective November 12, 2005 (Supp. 05-3).

### **ARTICLE 6. RULES OF PRACTICE AND PROCEDURE**

#### **R4-19-601. Administrative Hearings**

- A. If the Board denies a license or certificate, the applicant for the license or certificate may obtain an administrative hearing by complying with A.R.S. § 41-1092.03.
- B. If the Board serves a licensee or certificate holder with a disciplinary action notice under A.R.S. § 32-1663(G), the licensee or certificate holder may obtain an administrative hearing by submitting to the Board a written request that contains the following information:
  - 1. The person's identity, and
  - 2. The reason for the hearing.
- C. If it is unable to take action under subsection (A) or (B) because they are not applicable, and the Board determines that there are reasonable grounds to support a charge that the licensee, certificate holder, nursing program, or nursing assistant training program has violated one or more of the Board's statutes or rules, the Board shall schedule and serve notice of an administrative hearing under A.R.S. §§ 32-1664(H) and 41-1092.05.
- D. The Board, or an administrative law judge, as defined in A.R.S. § 41-1092 shall conduct administrative hearings.
- E. A party named in a notice of hearing shall file a response as required by A.R.S. § 32-1664 and R4-19-604.

#### **Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 618, effective December 31, 2001 (Supp. 02-1). Section R4-19-601 renumbered from R4-19-602 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-602. Letter of Concern**

A letter of concern issued by the Board is not an appealable agency action as defined in A.R.S. § 41-1092.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-602 renumbered to R4-19-601; new Section R4-19-602 made by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-603. Representation**

Any person subject to a hearing may participate in the hearing and may be represented by legal counsel. The Board shall not pay for the person's legal counsel.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-603 repealed; new Section R4-19-603 renumbered from R4-19-604 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-604. Notice of Hearing; Response**

- A. The Board, in consultation with the Office of Administrative Hearings, as necessary shall prepare and serve a written notice of hearing on all parties under A.R.S. § 41-1092.05.
- B. In addition to the notice requirements in A.R.S. § 41-1092.05(D), the Board shall include the following in the notice:
  1. The full name, address, and license number, if any, of the licensee, certificate holder, program, or applicant;
  2. The name, mailing address, and telephone number of the Board's executive director or Board designee if the hearing is to be conducted by the Board;
  3. A statement that a hearing will proceed without a party's presence if a party fails to attend or participate in the hearing;
  4. The names and mailing addresses of persons to whom notice is being given, including the Attorney General representing the state at the hearing; and
  5. Any other matters relevant to the proceedings.
- C. The party named in the notice of hearing shall file a written response under A.R.S. § 32-1664 within 30 days after service of the notice of hearing. The response shall contain:
  1. The party's name, address, and telephone number;
  2. Whether the party has legal representation and, if so, the name and address of the attorney;
  3. A response to the allegations contained in the notice of hearing; and
  4. Any other matters relevant to the proceedings.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-604 renumbered to R4-19-603; new Section R4-19-604 renumbered from R4-19-605 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-605. Docket**

The Board shall maintain a docket of all proceedings and shall assign each proceeding a docket number.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-605 renumbered to R4-19-604; new Section R4-19-605 renumbered from R4-19-606 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-606. Record of Hearings**

The Board shall:

1. Maintain a complete and separate record containing all documents and exhibits filed in connection with each hearing; and
2. Make the record available to the public, upon request, during regular business hours except for those records that are confidential by law.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-606 renumbered to R4-19-605; new Section R4-19-606 renumbered from R4-19-607 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-607. Recommended Decision**

The Administrative Law Judge who conducts the hearing shall make a recommended decision under A.R.S. § 41-1092.08. The Board shall immediately transmit a copy of the recommended decision to each party. Each party may file a memorandum of objections for consideration at the next Board meeting that contains the reasons why the recommended decision is in error or requires correction, and includes appropriate citations to the record, statutes, or rules in support of each objection.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-607 renumbered to R4-19-606; new Section R4-19-607 renumbered from R4-19-612 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-608. Rehearing or Review of Decision**

- A.** A party may file a motion for rehearing or review of a decision under A.R.S. §§ 41-1092.09 and 32-1665.
- B.** The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the Board or the administrative law judge, or any order, or abuse of discretion, which deprived the moving party of a fair hearing;
  2. Misconduct of the Board, the administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or exclusion of evidence or other errors of law occurring during the pendency of the proceeding or at the administrative hearing; or
  7. The decision is not justified by the evidence or is contrary to law.
- C.** Upon the Board's receipt of a motion for rehearing or review, the Board may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (B). An order granting a rehearing shall specify with particularity the grounds for the order. Any rehearing shall cover only those specified matters.
- D.** Within the time limits of A.R.S. § 41-1092.09, the Board may order a rehearing or review on its own initiative for any of the reasons in subsection (B). The Board shall specify the grounds for the rehearing or review in the order.
- E.** When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days of such service, serve opposing affidavits.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-608 renumbered from R4-19-614 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-609. Effectiveness of Orders**

- A.** Except as provided in subsection (B), a decision is final upon expiration of the time for filing a request for rehearing or review or upon denial of such a request, whichever is later. If the Board grants a rehearing or review, the decision is stayed until another order is issued.
- B.** If it finds that the public health, safety, or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1092.11(B), ordering summary suspension of a license while other proceedings are pending. If the Board orders a summary suspension, a party shall exhaust the party's administrative remedies by filing a motion for rehearing or review under A.R.S. § 41-1092.09(B) before seeking judicial review of the decision.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-609 renumbered from R4-19-615 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-610. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-611. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-612. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-607 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-613. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-614. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-608 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-615. Renumbered**

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-609 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**ARTICLE 7. PUBLIC PARTICIPATION PROCEDURES**

**R4-19-701. Rulemaking Record; Directory of Substantive Policy Statements**

The Board shall place the official rulemaking record and directory of substantive policy statements in the office of the Board, where it may be reviewed any working day, Monday through Friday, from 8:00 a.m. until 5:00 p.m., except state holidays.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-702. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to Rule Based Upon Economic, Small Business, or Consumer Impact**

A person may petition the Board, requesting the making of a final rule, or a review of an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule under A.R.S. § 41-1033, or objecting to a rule under A.R.S. § 41-1056.01, by filing a petition which contains the following:

1. The name, current address, and telephone number of the person submitting the petition.
2. For the making of a new rule, the specific language of the proposed rule.
3. For amendment of a current rule, the Arizona Administrative Code (A.A.C.) Section number, the Section heading, and the specific language of the current rule, with any language to be deleted stricken through but legible, and any new language underlined.
4. For repeal of a current rule, the A.A.C. Section number and Section heading proposed for repeal.
5. The reasons the rule should be made, specifically stating in reference to an existing rule, why the rule is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner may provide additional supporting information including:
  - a. Any statistical data or other justification, with clear references to attached exhibits;
  - b. An identification of any person or segment of the public that would be affected and how they would be affected; and
  - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or written comments offered by the public.
6. For a review of an existing agency practice or substantive policy statement alleged to constitute a rule, the reasons the existing agency practice or substantive policy statement constitutes a rule and the proposed action requested of the Board.
7. For an objection to a rule based upon the economic, small business, or consumer impact, evidence that:
  - a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule; or
  - b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule and that actual impact imposes a significant burden on persons subject to the rule.
8. The signature of the person submitting the petition.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-703. Oral Proceedings**

- A. The Board shall schedule an oral proceeding on all rulemakings and publish the notice as prescribed in A.R.S. § 41-1023. A Board member, the executive director, or a Board staff member shall serve as presiding officer at an oral proceeding.
- B. The Board shall record all oral proceedings either by an electronic recording device or stenographically, and any resulting cassette tapes or transcripts, registers, and all written comments received shall become part of the official record.
- C. The presiding officer shall conduct an oral proceeding according to A.R.S. § 41-1023; and
  1. Request each person in attendance register;
  2. Obtain the following information from any person who intends to speak:
    - a. Name and whether the person represents another;
    - b. Position with regard to the proposed rule; and
    - c. Approximate length of time needed to speak;
  3. Open the proceeding by identifying the subject matter of the rules under consideration and the purpose of the proceeding;
  4. Present the agenda;
  5. Ensure that a Board representative explains the background and general content of the proposed rules;
  6. Limit comments to a reasonable period, and prevent undue repetition of comments;



7. Announce the address for written public comments and the date and time for the close of record; and
8. Close the proceeding if there are no persons in attendance within 15 minutes after the posted meeting time.

#### **Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-703 repealed; new Section R4-19-703 renumbered from R4-19-704 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

#### **R4-19-704. Petition for Altered Effective Date**

- A. A person wishing to alter the effective date of a rule shall file a written petition that contains:
  1. The name, current address, and telephone number of the person submitting the petition;
  2. Identification of the proposed rule;
  3. If the person is petitioning for an immediate effective date, a demonstration that the immediate date is necessary for one or more of the reasons in A.R.S. § 41-1032(A);
  4. If the person is petitioning for a later effective date, more than 60 days after filing of the rule, a demonstration under A.R.S. § 41-1032(B) that good cause exists for, and the public interest will not be harmed by, the later effective date; and
  5. The signature of the person submitting the petition.
- B. The Board shall make a decision and notify the petitioner of the decision within 60 days of receipt of the petition.

#### **Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-704 renumbered to R4-19-703; new Section R4-19-704 renumbered from R4-19-705 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

#### **R4-19-705. Written Criticism of an Existing Rule**

- A. Any person may file with the Board a written criticism of an existing rule that contains:
  1. The rule addressed, and
  2. The reason the existing rule is inadequate, unduly burdensome, unreasonable, or improper.
- B. The Board shall acknowledge receipt of any criticism within 10 working days and shall place the criticism in the official record for review by the Board under A.R.S. § 41-1056.

#### **Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-705 renumbered to R4-19-704; new Section R4-19-705 renumbered from R4-19-706 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

#### **R4-19-706. Renumbered**

#### **Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Renumbered to R4-19-705 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

### **ARTICLE 8. CERTIFIED NURSING ASSISTANTS**

#### **R4-19-801. Standards for Nursing Assistant Training Programs**

- A. For the purposes of this Article "traineeship" means a clinical experience in which a nursing assistant student works with a facility staff member under the supervision of a licensed nurse to provide care for residents without an instructor onsite.
- B. Organization and administration
  1. A nursing assistant training program shall provide a description of the program that includes the length of the program, number of hours of clinical and classroom instruction, and program goals consistent with federal, state, and if applicable, private postsecondary requirements. The program shall provide a description that is consistent with the purpose, goals, and objectives of a parent institution, if any.
  2. A nursing assistant training program that uses external clinical facilities shall execute a written agreement with each external clinical facility that:
    - a. Defines the rights and responsibilities of both the clinical facility and the program,
    - b. Defines the role and authority of the governing bodies of both the clinical facility and the program,
    - c. Allows the program instructor the right to select learning experiences for students, and
    - d. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.
  3. A nursing assistant training program shall promulgate written policies and procedures that are consistent with the policies and procedures of the parent institution, if any, and contain an effective and review date for each policy or procedure. The program shall provide a copy of its policies and procedures to each student on or before the first day the student participates in the program. The program shall develop and adhere to policies and procedures in the following areas:
    - a. Student attendance ensuring that a student receives 120 hours of instruction or the equivalent of 120 hours;
    - b. Student grading, requiring that a student either attain at least 75% on each theoretical exam, or 75% on a comprehensive theoretical exam;
    - c. Test retake, if retake tests are allowed, informing students that a retake test:
      - i. Addresses the competencies tested in the original test,
      - ii. Contains different items from the original test, and

- iii. Is documented in the student's record;
  - d. Student record maintenance including information regarding records retention, retention period, records location, and documents required under subsections (D)(5) and (6);
  - e. Instructor supervision of students in the clinical area, providing for:
    - i. A method to contact the instructor that ensures the instructor is available as needed;
    - ii. Instructor rounds for each student according to patient or resident need and student ability;
    - iii. Direct observation and documentation of student performance, consistent with course and clinical objectives; and
    - iv. Only activities related to the direct supervision of students during the clinical session.
  - f. Student fees and financial aid, if any;
  - g. Dismissal, advanced placement consistent with subsection (B)(4), and withdrawal policies;
  - h. Student grievance policy, including a chain of command for grade disputes;
  - i. Admission requirements, including any criminal background or drug testing required;
  - j. Program completion criteria; and
  - k. Notification of Board requirements for certification, including the criminal background check requirement, before enrolling a student.
- 4. In lieu of requiring completion of all course hours specified in R4-19-802, a nursing assistant training program may develop a policy that allows a student with at least one year full-time nursing assistant experience to demonstrate attainment of course objectives and clinical competencies consistent with curriculum requirements in R4-19-802(C). The program shall evaluate competency through a written comprehensive examination, skills testing, and at least 16 hours of clinical practice in a long-term care facility directly supervised by the registered nurse instructor. A program that develops a policy under this subsection shall submit a copy of the policy to the Board.
- 5. Within 15 days of program completion, a nursing assistant training program shall provide a certificate of completion document, which contains the following, to each student who has completed the program:
  - a. The name and classroom location of the program;
  - b. The number of classroom and clinical hours in the program;
  - c. The number of traineeship hours, if any;
  - d. The end date of the program;
  - e. The program number, if known; and
  - f. The signature of the program coordinator, instructor, or the supervisor of the program coordinator or instructor.
- 6. A nursing assistant training program shall execute and maintain under subsection (D)(5) and (6) the following documents for each student:
  - a. A skills check-off list, containing documentation of competency of the nursing assistant skills in R4-19-802(C), and
  - b. A program evaluation form, containing the student's responses to questions about the quality of the classroom and clinical experiences during the training program.
- C. Program coordinator and instructor qualifications and responsibilities
  - 1. A program coordinator shall:
    - a. Hold a current, registered nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15; and
    - b. Possess at least two years of nursing experience at least one year of which is in the provision of long-term care facility services.
  - 2. A director of nursing in a health care facility may assume the role of a program coordinator for a nursing assistant training program based in the facility but shall not function as a program instructor.
  - 3. A program coordinator shall:
    - a. Supervise and evaluate the program;
    - b. Ensure that instructors meet Board qualifications; and
    - c. Ensure that the written policies in subsection (B) are available to students on or before the first day of the program;
  - 4. A program instructor shall:
    - a. Hold a current, registered nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15; and
    - b. Possess one or more of the following:
      - i. Credit for a course on teaching adults,
      - ii. One year of experience teaching adults, or
      - iii. One year of experience supervising nursing assistants.
  - 5. For classroom and clinical, excluding hours spent in a traineeship, a program instructor shall:
    - a. Plan each learning experience;
    - b. Accomplish course goals and lesson objectives;
    - c. Enforce a grading policy that meets or exceeds the requirements of subsection (B)(3)(b);
    - d. Require satisfactory performance of all critical elements of each nursing assistant skill under R4-19-802(C);
    - e. Prevent a student from performing an activity unless the student has received instruction and been found to competently perform the activity;
    - f. Supervise any student who provides care to clients in clinical areas, consistent with the requirements of subsection (B)(3)(e);
    - g. Be present in the classroom during all instruction; and
    - h. Supervise health care professionals and clinical instructors who assist in providing program instruction.

6. A certified or licensed health care professional shall not assist the program instructor unless the health care professional has at least one year of experience in the field of licensure or certification and the learning activity is within the scope of practice of the licensee or certificate holder. A certified nursing assistant shall not provide classroom or clinical instruction in a nursing assistant training program.
- D. Clinical requirements, resources, and records**
1. A nursing assistant training program shall provide a minimum of one clinical instructor for every 10 students if students perform one or more nursing assistant activities for a patient or resident. The program shall ensure that the instructor is physically present in the health care setting during each performance of a nursing assistant activity for a patient or resident.
  2. A nursing assistant training program shall provide an instructor-supervised clinical experience for each nursing assistant student, which consists of at least 40 hours of direct patient or resident care, and includes at least 20 hours caring for long-term care facility residents. If there is no long-term care facility available within a 50-mile radius of the program, the program may conduct clinical sessions in a healthcare institution that provides experiences with patients or residents who have nursing care needs similar to those of long-term care facility residents.
  3. A nursing assistant training program shall ensure that each nursing assistant student is identified as a student by a name badge or another means readily observable to staff, patients, or residents and not utilize students as staff during clinical and traineeship experiences.
  4. A nursing assistant training program shall provide or have access to instructional and educational resources for implementing the program, for the planned number of students and instructional staff, including:
    - a. Current reference materials, related to the level of the curriculum;
    - b. Equipment in functional condition for simulating patient care, including:
      - i. A patient bed, overbed table, and nightstand;
      - ii. Privacy curtains and call bell;
      - iii. Thermometers, stethoscopes, including a teaching stethoscope, blood pressure cuffs, and a balance-type scale;
      - iv. Hygiene supplies, elimination equipment, drainage devices, and linens;
      - v. Hand washing equipment and clean gloves; and
      - vi. Wheelchair, gait belt, walker, anti-embolic hose, and cane;
    - c. Audio-visual equipment and media; and
    - d. Designated space for didactic teaching and skill practice that provides a clean, distraction-free learning environment for accomplishing the educational goals of the program and is comparable to the space provided by a previously approved program of similar size and type, if any;
  5. A nursing assistant training program shall maintain the following program records for three years:
    - a. Curriculum and course schedule for each cohort group;
    - b. Results of state-approved written and manual skills testing;
    - c. Completed student program evaluation forms, a summary of the evaluations for each cohort group, and measures taken by the program, if any, to improve the program based on student and instructor evaluation; and
    - d. A copy of any Board reports, applications, or correspondence, related to the program.
  6. A nursing assistant training program shall maintain the following student records for three years:
    - a. A record of the student's name, date of birth, and Social Security number, if available;
    - b. A completed skill checklist;
    - c. Attendance record, which describes any make-up class sessions;
    - d. Scores on each test, quiz, or exam and, if applicable, whether such test quiz or exam was retaken; and
    - e. For programs with traineeships, documentation from the registered nurse supervising the traineeship that indicates the number of hours completed and the performance of the student during the traineeship; and
    - f. A copy of the certificate of completion issued to the student upon successful completion of the training program.
- E. Periodic evaluation**
1. A nursing assistant training program shall permit the Board, or a state agency designated by the Board, to conduct an onsite scheduled evaluation for initial Board approval, in accordance with R4-19-803, and renewal of approval, in accordance with R4-19-804.
  2. For reasonable cause, as determined by the Board, a nursing assistant training program shall permit the Board, or a state agency designated by the Board, to conduct an onsite unannounced evaluation of the program.
- F. A nursing assistant training program shall submit written documentation and information regarding the following changes within 30 days of instituting the change:**
1. For a change or addition of an instructor or coordinator, the name, license number, and documentation of meeting coordinator or instructor requirements of this Section, as applicable;
  2. For a decrease in the number of program hours, a description of the change, the reason for the change, a revised curriculum outline, and a revised course schedule;
  3. For a change in classroom location, the address of the new location, if applicable, and a description of the new classroom;
  4. For a change in a clinical facility, the name of the new facility and a copy of the clinical contract; and
  5. For a change in the name or ownership of the facility, the former, present and new name of the facility.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final

**R4-19-802. Curriculum**

- A.** A nursing assistant training program shall provide at least 120 hours of instruction which can be met by the student completing either of the following:
1. A 120 hour curriculum consisting of at least 60 hours of classroom instruction with clinical instruction that satisfies the requirements of R4-19-801(D)(2); or
  2. A curriculum of at least 60 hours of classroom instruction and 40 hours of supervised, clinical instruction that satisfies the requirements R4-19-801(D)(2), followed by a long-term care facility-based traineeship. The program coordinator shall ensure that the traineeship experience:
    - a. Consists of no more than 20 hours of the total 120 hours, and
    - b. Is verified by the supervising nurse in a written document that contains the number of hours provided through the traineeship and confirmation that the student has demonstrated required skills and abilities, competently performed nursing assistant functions, and met course objectives.
- B.** A nursing assistant training program shall provide a written curriculum plan to each student that includes overall course goals and for each required subject:
1. Measurable learner-centered objectives,
  2. An outline of the material to be taught,
  3. The time allotted for each unit of instruction, and
  4. The learning activities or reading assignments.
- C.** A nursing assistant training program shall provide classroom and clinical instruction regarding each of the following subjects:
1. Communication, interpersonal skills, and documentation;
  2. Infection control;
  3. Safety and emergency procedures, including the Heimlich© maneuver and cardiopulmonary resuscitation instruction;
  4. Patient or resident independence;
  5. Patient or resident rights, including:
    - a. The right to confidentiality;
    - b. The right to privacy;
    - c. The right to be free from abuse, mistreatment, and neglect;
    - d. The right to make personal choices;
    - e. The right to obtain assistance in resolving grievances and disputes;
    - f. The right to care and security of a patient's or resident's personal property; and
    - g. The right to be free from restraints;
  6. Recognizing and reporting abuse, mistreatment or neglect to a supervisor;
  7. Basic nursing assistant skills, including:
    - a. Taking vital signs, height, and weight;
    - b. Maintaining a patient's or resident's environment;
    - c. Observing and reporting pain;
    - d. Assisting with diagnostic tests;
    - e. Providing care for patients or residents with drains and tubes;
    - f. Recognizing and reporting abnormal changes to a supervisor;
    - g. Applying clean bandages;
    - h. Providing peri-operative care; and
    - i. Assisting in admitting, transferring, or discharging patients or residents.
  8. Personal care skills, including:
    - a. Bathing, skin care, and dressing;
    - b. Oral and denture care;
    - c. Shampoo and hair care;
    - d. Fingernail care;
    - e. Toileting, perineal, and ostomy care; and
    - f. Feeding and hydration, including proper feeding techniques and use of assistive devices in feeding;
  9. Age specific, mental health, and social service needs, including:
    - a. Modifying the nursing assistant's behavior in response to patient or resident behavior,
    - b. Demonstrating an awareness of the developmental tasks associated with the aging process,
    - c. Responding to patient or resident behavior,
    - d. Promoting patient or resident dignity,
    - e. Providing culturally sensitive care,
    - f. Caring for the dying patient or resident, and
    - g. Interacting with the patient's or resident's family;
  10. Care of the cognitively impaired patient or resident including:
    - a. Addressing the unique needs and behaviors of patients or residents with dementia,
    - b. Communicating with cognitively impaired patients or residents,

- c. Understanding the behavior of cognitively impaired patients or residents, and
- d. Reducing the effects of cognitive impairment;
- 11. Skills for basic restorative services, including:
  - a. Body mechanics;
  - b. Resident self-care;
  - c. Assistive devices used in transferring, ambulating, eating, and dressing;
  - d. Range of motion exercises;
  - e. Bowel and bladder training;
  - f. Care and use of prosthetic and orthotic devices; and
  - g. Family and group activities;
- 12. Health care team member skills including time management and prioritizing work; and
- 13. Legal aspects of nursing assistant practice, including:
  - a. Board-prescribed requirements for certification and re-certification;
  - b. Delegation,
  - c. Ethics,
  - d. Advance directives and do-not-resuscitate orders, and
  - e. Standards of conduct under R4-19-814.
- 14. Body structure and function, together with common diseases and conditions of the elderly.
- D.** A nursing assistant training program shall provide a student with a minimum of 16 hours instruction in the subjects identified in subsections (C)(1) through (C)(6) before allowing a student to care for patients or residents.
- E.** A nursing assistant training program shall utilize a nursing assistant textbook that has been published within the previous five years.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-803. Initial Approval of Nursing Assistant Training Programs**

- A.** An applicant for initial nursing assistant training program approval shall submit an application packet to the Board at least 90 days before the expected starting date of the program. An applicant shall submit application documents that are unbound, typed or word processed, single-sided, and on white, letter-size paper. The Board does not accept notebooks, spiral bound documents, manuals, books, or tabulations.
- B.** The application packet for initial program approval shall include all of the following:
  - 1. Name, address, telephone number, and fax number of program;
  - 2. Identity of the program as a long-term care facility-based or other program;
  - 3. Name, license number, telephone number and qualifications of the program coordinator required in R4-19-801;
  - 4. Name, license number, telephone number and qualifications of each program instructor required in R4-19-801;
  - 5. Name and telephone number of the person with administrative oversight of the nursing assistant training program;
  - 6. Accreditation status of the applicant, if any, including the name of the accrediting body and date of last review;
  - 7. Name, address, telephone number, contact person, Department of Health Services (DHS) status, and most recent DHS review for all health care institutions where program classroom or clinical instruction will take place;
  - 8. Medicare certification status, if any;
  - 9. Evidence of compliance with R4-19-801 and R4-19-802, including all of the following:
    - a. Program description, consistent with R4-19-801(B) (1) and an implementation plan, including timelines;
    - b. Classroom facilities, equipment, and instructional tools available, consistent with R4-19-801(D)(4); and
    - c. Written curriculum, consistent with R4-19-802;
    - d. A copy of the documentation that the program will use to verify nurse assistant skills for each student, consistent R4-19-801(B)(6)(a);
    - e. A copy of the document issued to the student upon completion of the program, consistent with R4-19-801(B)(5);
    - f. Textbook author, name, year of publication, and publisher; and
    - g. A copy of course policies, consistent with R4-19-801(B)(3) and, if applicable, R4-19-801(B)(4);
  - 10. For a Medicare or Medicaid certified long-term care facility-based program, a signed, sworn, and notarized document, executed by a program coordinator, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program including the state competency exam.
  - 11. For a Medicare or Medicaid long-term care facility-based program, the actual price of a textbook and other loaned equipment, if the program charges a student who does not return these items upon course completion, and any commercially available standard uniform, watch, pen, paper, duty shoes, and other commonly available personal items that are required for the course, for which a student may incur an expense.
- C.** Following receipt and review of a complete application packet, the Board shall take one of the following actions:
  - 1. Schedule an onsite evaluation of the program and, if requirements are met, approve the program for a period not to exceed two years,
  - 2. Approve the program for a period that does not exceed one year if requirements are met, without an onsite visit, or
  - 3. Deny approval of the program if the applicant does not meet the requirements.

- D. A program shall not conduct classes before receiving program approval.
- E. If approval is in the best interest of the public, the Board shall grant initial approval to any applicant who meets requirements in A.R.S. Title 32, Chapter 15, and in this Article. If the Board denies approval, an applicant may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-804. Renewal of Approval of Nursing Assistant Training Programs**

- A. A nursing assistant training program applying for renewal of approval shall submit an application packet to the Board before expiration of the current approval. An applicant shall submit application documents that are unbound, typed or word processed, single-sided, and on white, letter-size paper. The Board does not accept notebooks, spiral bound documents, manuals, books, or tabulations.
  - 1. The application packet shall include the following:
    - a. A program description and course goals;
    - b. Name, license number, and qualifications under R4-19-801 of the current program coordinator and instructors, required in R4-19-801;
    - c. A copy of the current curriculum plan, which meets the requirements in R4-19-802;
    - d. Number of classes held, number of students who have completed the program, and the results of the state-approved written and manual skills tests, including first-time pass rate since the last program review;
    - e. A copy of course policies, consistent with R4-19-801;
    - f. Any change in resources, contracts, or clinical facilities since the previous approval;
    - g. A copy of current student program evaluation forms, a summary of the evaluations for each cohort group, and measures taken by the program, if any, to improve the program based on student and instructor evaluation;
    - h. A sample of the certificate of completion issued to a graduate of the program containing the information required by R4-19-801(B)(5); and
    - i. Textbook author, name, year of publication, and publisher.
  - 2. Following receipt of the application packet, a Board representative shall review the application packet for completeness under subsection (A)(1). In addition to the other requirements in this Section, an applicant shall provide evidence of at least one of the following to provide a complete application packet:
    - a. That at least one person has completed the program and the state-approved written and manual skills exam within the previous approval period;
    - b. If no graduates of the program completed the state-approved written and manual skills exam in the previous approval period, an explanation why Board approval is necessary for public protection, and a comprehensive plan to assist students to apply for testing and certification; or
    - c. If the program did not graduate any students in the previous approval period, a detailed plan including dates, marketing tools, and instructor name, which indicates that the program will be offered within the next six months.
  - 3. Upon receipt and review of a complete application packet the Board, through its authorized representative, shall evaluate the entity offering the program either in-person or by conference call. If a program is to be evaluated by means of a conference call, the Board shall issue a comprehensive request for information to the program for all of the following:
  - 4. A program that is evaluated by means of a conference call shall ensure that both the coordinator and all instructors are available to participate in the call.
    - a. A description of the classroom, supplies, and recordkeeping;
    - b. A copy of the records of three students; and
    - c. A copy of the course schedule for each cohort group.
  - 5. A Board representative shall evaluate each program and program site in-person at least once every four years. If a program or program site has received an in-person evaluation for the previous approval, no concerns are identified in the site-visit report, and there have been no complaints filed with the Board for two years following the approval, the program is eligible for a conference call evaluation.
- B. Following a conference call or onsite evaluation, the Board shall renew program approval for two years if a program complies with R4-19-801 and R4-19-802 and renewal is in the best interest of the public. If the program does not comply, the Board shall issue a notice of deficiency under R4-19-805.
- C. If the Board denies renewal of approval, a program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- D. A program that is denied renewal of approval shall not apply for reinstatement of approval for two years from the date of the denial.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

**R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination, Disciplinary Action, and Reinstatement****A. Deficiencies and rescission of approval**

1. Upon determining that a nursing assistant training program does not comply with this Article, the Board shall provide the program coordinator or an administrator who supervises the program with a written notice of deficiency. The Board shall establish a reasonable period of time, based upon the number and severity of deficiencies, for correction of the deficiencies. Under no circumstances, however, shall the period for correction of deficiencies exceed three months from the date of graduation of the next training class.
  - a. Within 10 days from the date that the notice of deficiency is served, the program shall file a plan of correction with the Board.
  - b. The Board may conduct periodic evaluations during the period of correction to ascertain progress in correcting the deficiencies.
  - c. The Board shall conduct at least one evaluation immediately following the period of correction to determine whether the program has corrected the deficiencies.
2. The Board may rescind the approval of a nursing assistant training program or take other disciplinary action under A.R.S. § 32-1663 based on the number and severity of violations for any of the following reasons:
  - a. Failure to file a plan of correction with the Board within 10 days of service of a notice of deficiency.
  - b. Failure to comply with R4-19-801 or R4-19-802 within the period set by the Board in the notice of deficiency;
  - c. Noncompliance with federal, state, or if applicable, private postsecondary requirements;
  - d. Failure to permit a scheduled or unannounced onsite evaluation, authorized by subsection R4-19-801(E);
  - e. Loaning or transferring program approval to another entity or facility, including a facility with the same ownership;
  - f. Conducting a nursing assistant training program before approval is granted;
  - g. Conducting a nursing assistant training program after expiration of approval without filing an application for renewal of approval before the expiration date; or
  - h. If the program is conducted by a long-term care facility, charging for any portion of the program.
3. If the Board rescinds approval of a nursing assistant training program, the program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.
4. If the Board rescinds approval of a nursing assistant training program, the program shall not seek reinstatement for two years from the date of the rescission.

**B. Voluntary termination**

1. If a nursing assistant training program is being voluntarily terminated, the program coordinator or an administrator who supervises the program shall submit notice of termination to the Board.
2. The program coordinator shall maintain the nursing assistant training program, including the instructors, until the last student is transferred or has completed the nursing assistant training program.

**C. Reinstatement**

1. If the Board rescinds approval of a nursing assistant training program, the program may apply for reinstatement after a period of two years by complying with the requirements of this Article.
2. The applicant shall submit a complete application packet in writing that contains all of the information and documentation required by R4-19-803(B). The applicant shall provide substantial evidence that the basis for rescission no longer exists and that reinstatement of the program is in the best interest of the public.
3. Unless the basis for rescission still exists, the Board shall reinstate a nursing assistant training program that otherwise meets the requirements of this Article. A program that is denied reinstatement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying reinstatement. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

**R4-19-806. Nursing Assistant Certification by Examination****A. An applicant for certification by examination shall submit the following information and documentation to the Board:**

1. An application that contains all of the following information:
  - a. Full legal name;
  - b. Current address, including county of residence, and telephone number;
  - c. Date of birth;
  - d. Social Security number;
  - e. Educational background, including the name of the training program attended, and date of graduation;
  - f. Current employer, including address and telephone number, type of position, and dates of employment;
  - g. A list of all states in which the applicant is or has been registered as a nursing assistant and the certificate number, if any;
  - h. Responses to questions that address each of the following subjects:

- i. Any pending disciplinary action by a nursing regulatory agency or nursing assistant regulatory agency in the United States or its territories or current investigation regarding the applicant's nursing license, nursing assistant license, or nursing assistant certificate in another state or territory of the United States;
  - ii. Felony conviction or conviction of an undesignated or other similar offense and the date of absolute discharge of sentence; and
  - iii. Unprofessional conduct as defined in A.R.S. § 32-1601;
  - iv. A written or electronic signature by the applicant on a statement attesting to the truthfulness of the information provided by the applicant.
- 2. Proof of satisfactory completion of a nursing assistant training program that meets the requirements in subsection (B);
- 3. One or more fingerprint cards, if required by A.R.S. § 32-1606; and
- 4. Applicable fees.
- B.** An applicant for certification as a nursing assistant shall submit a passing score on a Board-approved nursing assistant examination and provide one of the following criteria:
  - 1. Proof that the applicant has completed a Board-approved nursing assistant training program;
  - 2. Proof that the applicant has completed a nursing assistant training program approved in another state or territory of the United States consisting of at least 120 hours;
  - 3. Proof that the applicant has completed a nursing assistant program approved in another state or territory of the United States of at least 75 hours of instruction and proof of working as a nursing assistant for an additional number of hours that together with the hours of instruction, equal at least 120 hours; or
  - 4. Proof that the applicant either holds a valid nursing license in the U.S. or territories, has graduated from an approved nursing program, or otherwise meets educational requirements for a registered or practical nursing license in Arizona.
- C.** An applicant who fails either the written or manual skills portion of the nursing assistant examination may retake the failed portion of the examination until a passing score is achieved. An applicant shall pass both portions of the nursing assistant examination within two years from the date of completion of the nursing assistant training program or meet the requirements in subsection (D).
- D.** An applicant who does not pass an examination within the time period specified in subsection (C) shall repeat and complete a training program before being permitted to retake an examination.
- E.** An applicant who has never taken the examination and provides proof of at least 160 hours of employment as a nursing assistant for every two-year period since completing a state-approved nursing assistant training program meets federal requirements to take the written and manual skills nursing assistant examination.
- F.** The Board shall certify an applicant who meets the applicable criteria in this Article if certification is in the best interest of the public.
- G.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-807. Nursing Assistant Certification by Endorsement**

- A.** An applicant for nursing assistant certification by endorsement shall submit all of the information, documentation, and fees required in R4-19-806.
- B.** An applicant whose current employment is less than one year shall list all employers during the past two years.
- C.** An applicant for nursing assistant certification by endorsement shall meet the training program criteria in R4-19-806(B).
- D.** In addition to the other requirements of this Section, an applicant for certification by endorsement shall provide evidence that the applicant:
  - 1. Is listed as active on a nursing assistant register or a substantially equivalent register by another state or territory of the United States; and
  - 2. Meets one or more of the following criteria:
    - a. Currently is working in nursing, performing nursing assistant activities, whether the job description or job title includes the term certified nursing assistant;
    - b. Has worked in nursing, performing nursing assistant activities, whether the job description or job title included the term "certified nursing assistant" for at least 160 hours within the past two years; or
    - c. Has completed a nursing assistant training program and passed the required examination within the past two years.
- E.** The Board shall certify an applicant who meets the applicable criteria in this Article if certification is in the best interest of the public.
- F.** An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).



**R4-19-808. Temporary Certificate**

- A. Subject to subsection (B), the Board may issue a temporary nursing assistant certificate to an applicant who desires to work as a certified nursing assistant based on receipt or consideration of the following:
1. A report from the Arizona Department of Public Safety, verifying that the Department has no criminal history record information, as that term is defined in A.R.S. § 41-1701, regarding the applicant; and
  2. An application for temporary nursing assistant certificate, furnished by the Board and completed by the applicant;
  3. The fee required under A.R.S. § 32-1643(A)(9); and
  4. Evidence that the applicant is qualified for:
    - a. Certification by endorsement under A.R.S. § 32-1648 and R4-19-807, through submission of documentation or an official statement from another state or territory of the United States, verifying that the applicant has a current certificate or an equivalent document from that state or territory; or
    - b. Certification by examination under A.R.S. § 32-1645 and R4-19-806.
- B. An applicant who discloses a disciplinary charge, substantiated complaint, criminal conviction, substance abuse, pending disciplinary charge, or a substantiated complaint by a regulatory agency, is not eligible for a temporary certificate without prior Board approval.
- C. Unless extended for good cause under subsection (D), a temporary certificate is valid for three months.
- D. A temporary certificate holder may apply and the Board or the Executive Director may grant an extension for good cause. Good cause means reasons beyond the control of the temporary certificate holder, such as unanticipated delays in obtaining information required for nursing assistant certification.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 5004, effective November 15, 2002 (Supp. 02-4). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

**R4-19-809. Certified Nursing Assistant Certificate Renewal**

- A. A certified nursing assistant may apply for renewal of a certificate by submitting an application to the Board on or before the expiration date of the certificate.
1. The application packet shall include all of the following:
    - a. Full legal name;
    - b. Current address, including county of residence, and telephone number;
    - c. Date of birth;
    - d. Current employer;
    - e. If the applicant has not been employed as a nursing assistant, or performed nursing assistant activities, whether the job description or the job title included the term certified nursing assistant, as specified in subsection (A)(2), documentation that the applicant has completed a Board-approved nursing assistant training program and passed both the written and manual skills portions of the competency examination within the past two years;
    - f. Responses to questions that address the following subjects:
      - i. Pending disciplinary action by a nursing regulatory agency or nursing assistant regulatory agency in the United States or its territories or current investigation of the applicant's nursing license, nursing assistant license, or nursing assistant certificate in another state or territory of the United States,
      - ii. Felony conviction or conviction of undesignated offense and date of absolute discharge of sentence since certified or last renewed, and
      - iii. Unprofessional conduct as defined in A.R.S. § 32-1601;
    - g. A written or electronic signature by the applicant on a statement attesting to the truthfulness of the information provided.
  2. Documentation of proof of employment, such as a pay stub, W-2 form, or letter from an employer that verifies the applicant's employment as a nursing assistant or the applicant's performance of nursing assistant activities for a minimum of 160 hours within the past two years, and
  3. Applicable fees.
- B. The certificate of a nursing assistant who fails to renew expires on the last day of the month of a certificate holder's birthdate.
1. A nursing assistant's responsibility to renew is not relieved by the nursing assistant's failure to obtain an application.
  2. A nursing assistant who fails to renew shall not work as a certified nursing assistant.
  3. Based on consideration of a nursing assistant's record regarding timely renewal, the Board may impose a late fee on a nursing assistant who fails to renew certification in a timely manner.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

**R4-19-810. Certified Nursing Assistant Register**

- A. The Executive Director shall include the following information in the Register for each individual who receives Board certification:
1. Full legal name and any other names used;
  2. Address of record;

3. County of residence;
  4. The date of initial placement on the register;
  5. Dates and results of both the written and manual skills portions of the nursing assistant competency examination;
  6. Date of expiration of current certificate, if applicable;
  7. Existence of pending investigation, if applicable; and
  8. Status of certificate, such as active, denied, expired, or revoked, as applicable.
- B.** The Executive Director shall include the following information in the Register for an individual if the Board, or the United States Department of Health and Human Services (HHS), or the Arizona Department of Health Services finds that the individual has violated relevant law:
1. For a finding by the Board or HHS, the Executive Director shall include:
    - a. The finding, including the date of the decision, and a reference to each statute, rule, or regulation violated; and
    - b. The sanction, if any, including the date of action and the duration of action, if time-limited.
  2. For a finding by the Arizona Department of Health Services, the Executive Director shall include:
    - a. The allegation;
    - b. Documentation of the investigation, including:
      - i. Nature of allegation, and
      - ii. Evidence supporting the finding;
    - c. Date of hearing, if any, or the date that the complaint was substantiated;
    - d. Statement disputing the allegation, if any;
    - e. The finding, including the date of the decision and a reference to each statute or rule violated; and
    - f. The sanction, including the dates of action and the duration of the sanction, if time-limited.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-811. Application for Duplicate Certificate**

- A.** A certified nursing assistant shall report a lost or stolen certificate to the Board within 30 days of discovery of the loss.
- B.** A certified nursing assistant shall make a written request for a duplicate certificate to the Board, provide a notarized signature or proof of identification, and pay the applicable fee.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

#### **R4-19-812. Change of Name or Address**

- A.** An applicant or a certified nursing assistant, who legally changes names, shall notify the Board in writing within 30 days of any name change. The applicant or certified nursing assistant shall submit a copy of any official document evidencing the name change.
- B.** An applicant or a certified nursing assistant shall notify the Board in writing within 30 days of any address change.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-813. Performance of Nursing Assistant Tasks**

- A.** A certified nursing assistant may perform the following:
  1. Tasks for which the nursing assistant has been trained through the curriculum identified in R4-19-802, and
  2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence performing the task:
    - a. The task can be safely performed according to clear, exact, and unchanging directions;
    - b. The task poses minimal risk to the patient or resident and the consequences of performing the task improperly are not life-threatening or irreversible;
    - c. The results of the task are reasonably predictable; and
    - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B.** A nursing assistant may not perform any task that requires a judgment based on nursing knowledge, such as the administration of medications.
- C.** A nursing assistant shall:
  1. Recognize the limits of the nursing assistant's personal knowledge, skills, and abilities;
  2. Comply with laws relevant to nursing assistant practice;
  3. Inform the registered nurse, licensed practical nurse, or another person authorized to delegate the task about the nursing assistant's ability to perform the task before accepting the assignment;
  4. Accept delegation, instruction, and supervision from a professional or practical nurse or another person authorized to delegate a task;

5. Acknowledge responsibility for personal actions necessary to complete an accepted assigned task;
6. Follow the plan of care, if available;
7. Observe, report, and record signs, symptoms, and changes in the patient or resident's condition in an ongoing and timely manner; and
8. Retain responsibility for the assigned task without delegating it to another person.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-814. Standards of Conduct for Certified Nursing Assistants**

##### **A. For the purpose of this Section:**

1. "Failure to maintain professional boundaries" means any conduct or behavior by a nursing assistant, regardless of the nursing assistant's intention, that is likely to lessen the benefit of care to a patient, resident, or their family, and places the patient, resident, or their family, at risk of being exploited financially, emotionally, or sexually; and
2. "Dual relationship" means a nursing assistant simultaneously engages in a professional and a nonprofessional relationship with a patient, resident, or their family that is avoidable, non-incidental, and places the patient or resident at risk for financial, emotional, or sexual exploitation.

##### **B. For purposes of A.R.S. § 32-1601(16), a practice or conduct that is or might be harmful or dangerous to the health of a patient or the public and constitutes a basis for disciplinary action on a certificate includes the following:**

1. Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any member of the patient's or resident's family;
2. Engaging in sexual conduct with a patient, resident, or any member of the patient's or resident's family who does not have a pre-existing relationship with the nursing assistant, or any conduct in the work place that a reasonable person would interpret as sexual;
3. Leaving an assignment or abandoning a patient or resident who requires care without properly notifying the immediate supervisor;
4. Failing to accurately document care and treatment provided to a patient or resident;
5. Falsifying or making a materially incorrect entry in a health care record;
6. Failing to follow an employer's policies and procedures, designed to safeguard the patient or resident;
7. Failing to take action to protect a patient or resident whose safety or welfare is at risk from potential or actual incompetent health care practice, or to report the practice to the immediate supervisor or a facility administrator;
8. Failing to report signs, symptoms, and changes in patient or resident conditions to the immediate supervisor in an ongoing and timely manner;
9. Violating the rights or dignity of a patient or resident;
10. Violating a patient or resident's right of privacy by disclosing confidential information or knowledge concerning the patient or resident, unless disclosure is otherwise required by law;
11. Neglecting or abusing a patient or resident physically, verbally, emotionally, or financially;
12. Soliciting, or borrowing, property or money from a patient or resident, or any member of the patient's or resident's family;
13. Removing, without authorization, any money, property, or personal possessions, or requesting payment for services not performed from a patient, resident, employer, co-worker, or member of the public.
14. Repeated use or being under the influence of alcohol, medication, or any other substance to the extent that judgment may be impaired and practice detrimentally affected or while on duty in any work setting;
15. Accepting patient or resident care tasks that the nursing assistant lacks the education or competence to perform;
16. Removing, without authorization, narcotics, drugs, supplies, equipment, or medical records from any work setting;
17. Obtaining, possessing, using, or selling any narcotic, controlled substance, or illegal drug in violation of any employer policy or any federal or state law;
18. Permitting or assisting another person to use the nursing assistant's certificate or identity for any purpose;
19. Making untruthful or misleading statements in advertisements of the individual's practice as a certified nursing assistant;
20. Offering or providing certified nursing assistant services for compensation without a designated registered nurse supervisor;
21. Threatening, harassing, or exploiting an individual;
22. Using violent or abusive behavior in any work setting;
23. Failing to cooperate with the Board during an investigation by:
  - a. Not furnishing in writing a complete explanation of a matter reported under A.R.S. § 32-1664;
  - b. Not responding to a subpoena issued by the Board;
  - c. Not completing and returning a Board-issued questionnaire within 30 days; or
  - d. Not informing the Board of a change of address or phone number within 10 days of each change;
24. Engaging in fraud or deceit regarding the certification exam or an initial or renewal application for certification;
25. Making a written false or inaccurate statement to the Board or the Board's designee during the course of an investigation;
26. Making a false or misleading statement on a nursing assistant or health care related employment or credential application concerning previous employment, employment experience, education, or credentials;

27. If an applicant or certified nursing assistant is charged with a felony or a misdemeanor, involving conduct that may affect patient safety, failing to notify the Board, in writing, within 10 days of being charged under A.R.S. § 32-3208. The applicant or certified nursing assistant shall include the following in the notification:
  - a. Name, current address, telephone number, Social Security number, and license number, if applicable;
  - b. Date of the charge; and
  - c. Nature of the offense;
28. Failing to notify the Board, in writing, of a conviction for a felony or an undesignated offense within 10 days of the conviction. The nursing assistant or applicant shall include the following in the notification:
  - a. Name, current address, telephone number, Social Security number, and license number, if applicable;
  - b. Date of the conviction;
  - c. Nature of the offense; and
29. Practicing in any other manner that gives the Board reasonable cause to believe that the health of a patient, resident, or the public may be harmed.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 11 A.A.R. 4254, effective December 5, 2005 (Supp. 05-4).

#### **R4-19-815. Reinstatement or Issuance of a Nursing Assistant Certificate**

An applicant whose application is denied or a nursing assistant whose certificate is revoked in accordance with A.R.S. § 32-1663, may reapply to the Board after a period of five years from the date the certificate or application is revoked or denied. A nursing assistant who voluntarily surrenders a nursing assistant certificate may reapply to the Board after no less than three years from the date the certificate is surrendered. The Board shall issue or reinstate a nursing assistant certificate under the following terms and conditions:

1. An applicant shall submit documentation showing that the basis for denial, revocation or voluntary surrender has been removed and that the issuance or reinstatement of nursing assistant certification will no longer constitute a threat to the public health or safety. The Board may require an applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination.
2. The Board shall consider the application and may designate a time for the applicant to address the Board at a regularly scheduled meeting.
3. After considering the application, the Board may:
  - a. Grant nursing assistant certification, or
  - b. Deny the application.
4. An applicant who is denied issuance or reinstatement of nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying issuance or reinstatement of nursing assistant certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

#### **Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

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